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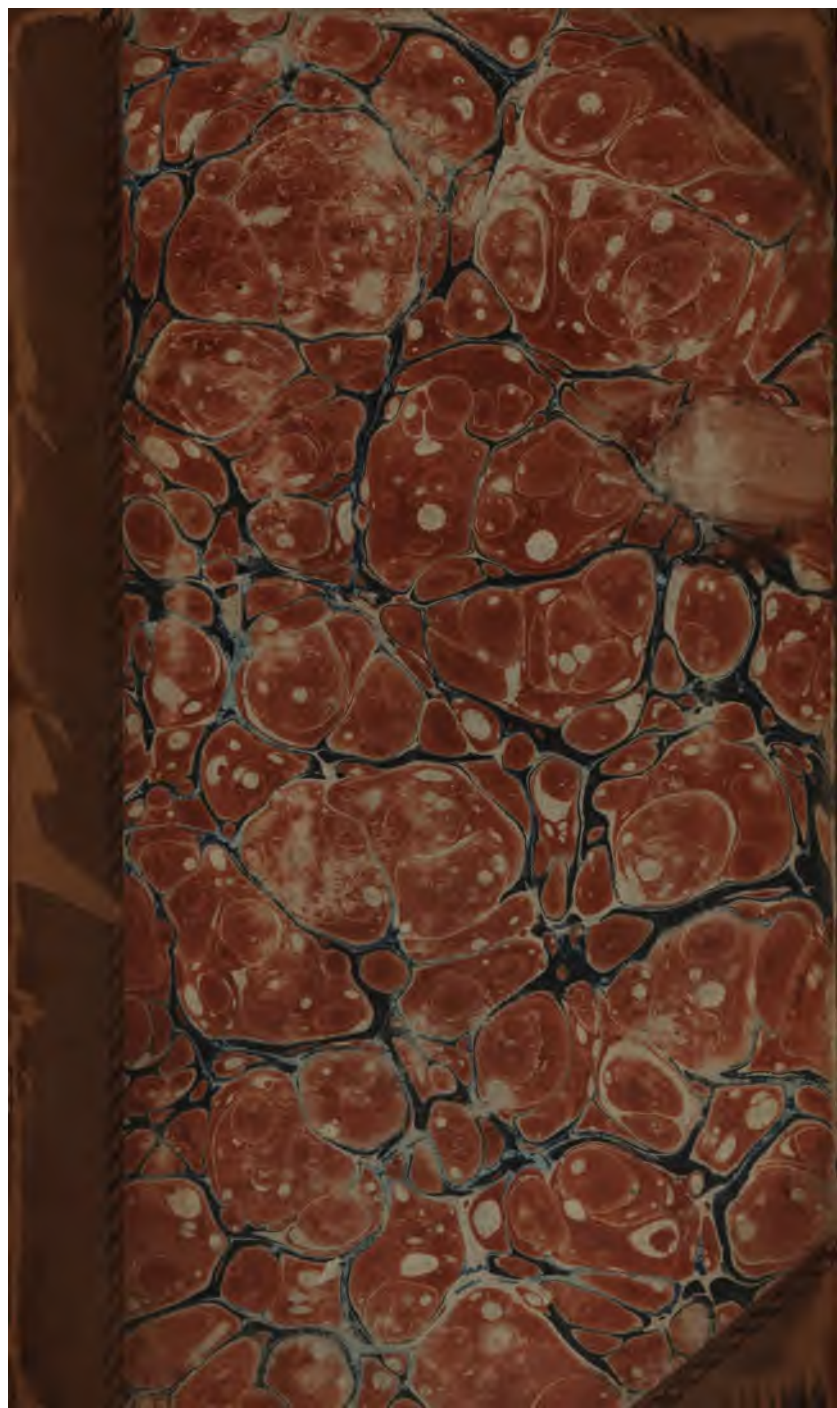
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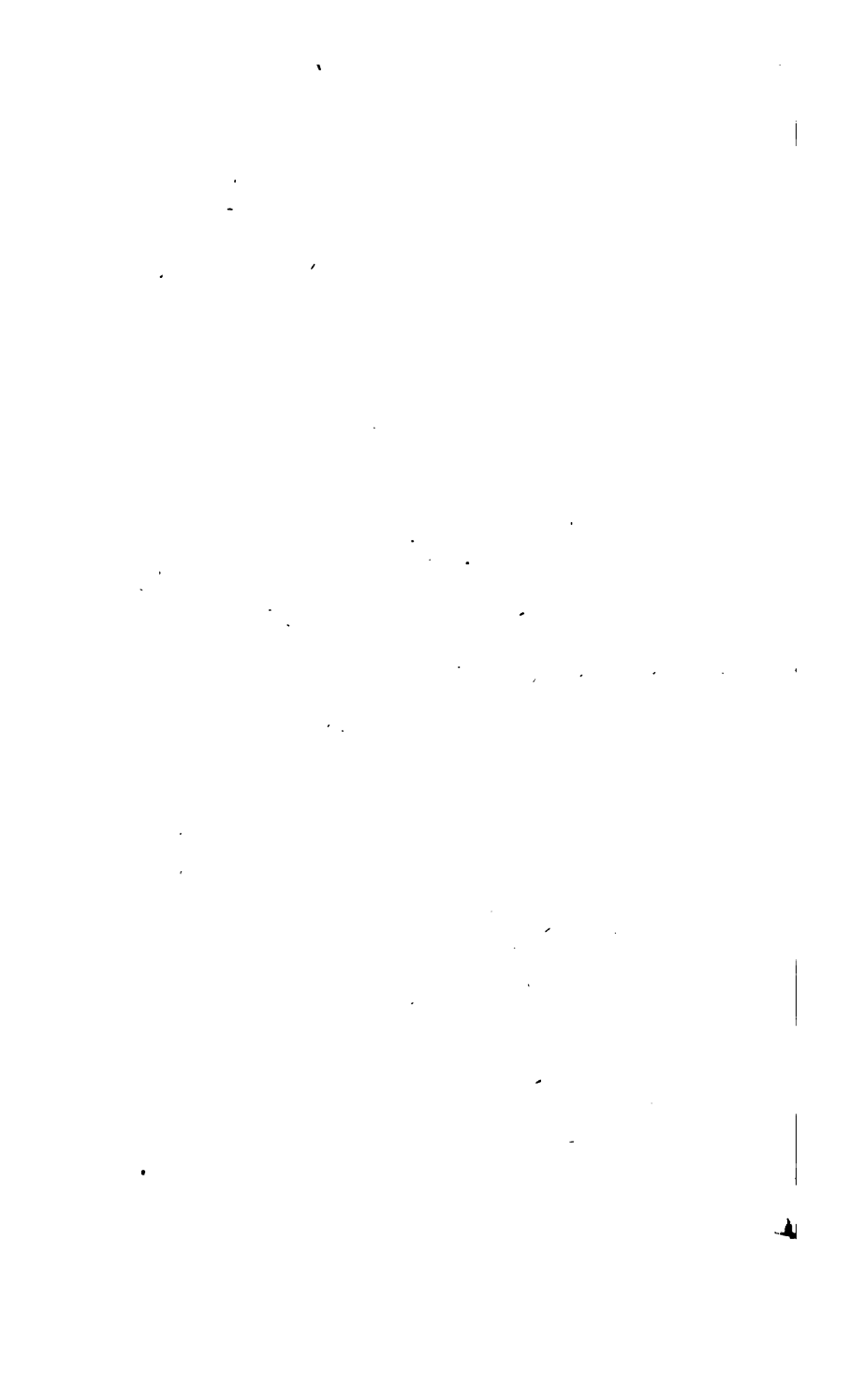
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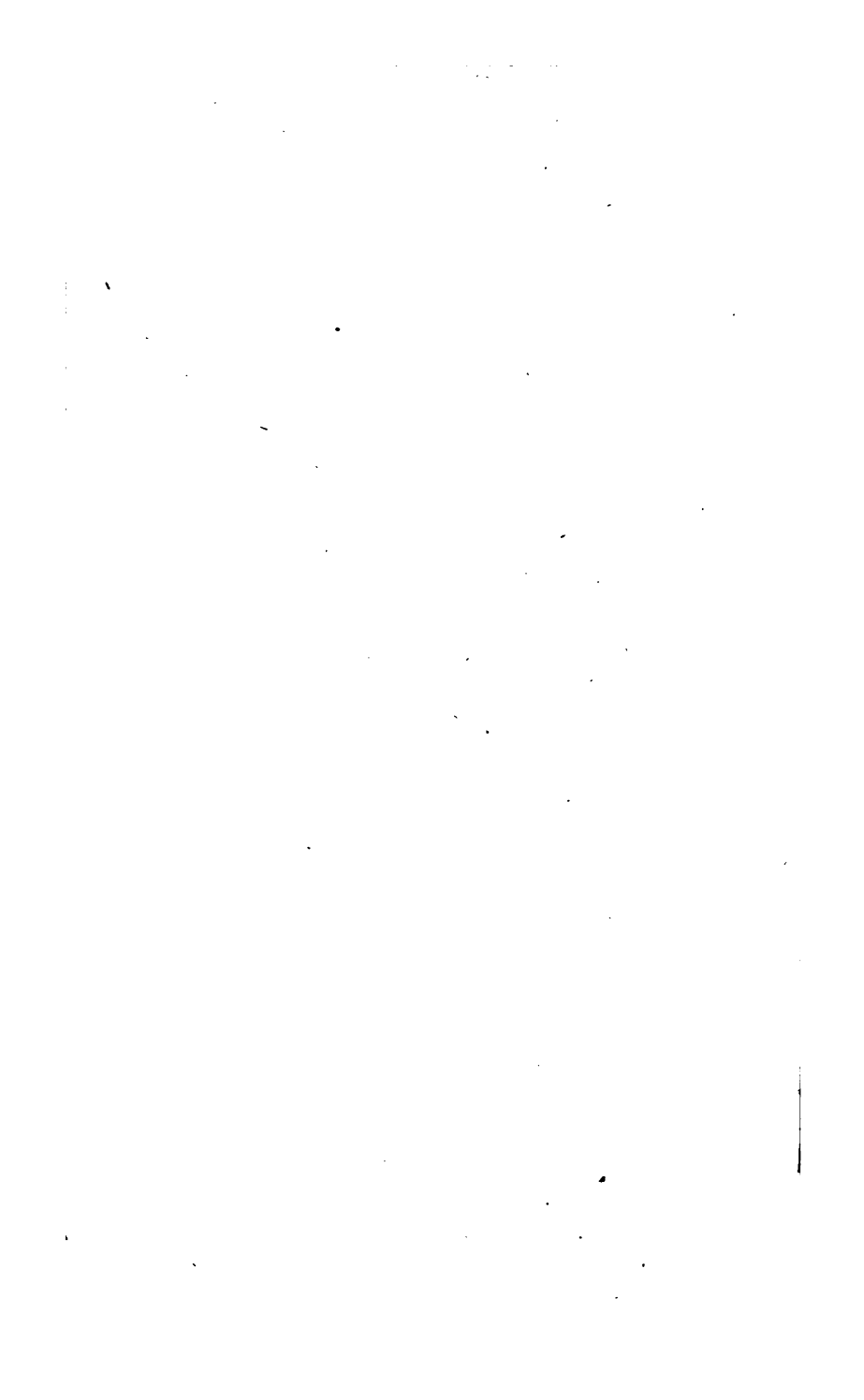














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Practical Instructions

TO
CANDIDATES
FOR
HOLY ORDERS,

WITH
FORMS OF THE DOCUMENTS NECESSARY FOR OBTAINING
LICENCES, &c., AND THE REQUISITE OBSERVANCES
BEFORE AND AFTER INSTITUTION;

together with forms of

RESIGNATIONS OF BENEFICES,

NOTARIAL ACTS,

Petitions for Licences of Non-residence,

NOTIFICATIONS OF RESIDENCE, &c.

with

A List of the Stamps imposed on the different Instruments

to which are added,

THE ACT OF PARLIAMENT

Relative to the Residence of the Clergy and Maintenance of Stipendiary
Curates in England,

and

An Appendix of Ecclesiastical Instruments.

By **JOHN WINSLOW,**

Many years Clerk to the Secretary to the Archbishop of Canterbury, and late
Clerk in the Secretary's Office, Parliament Street.

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ADVERTISEMENT.



THE design of the following compilation is to assist Candidates for Holy Orders in preparing the papers necessary to be submitted to the Bishop of the Diocese for his approval, before examination ; and to save both time and expence to Clergymen wishing to resign Ecclesiastical Preferments, or to obtain Dispensations for Pluralities.

ERRATA.

PAGE 4, LINE 8 and 9, *dele* 'to accompany the Baptismal Certificate.'

— 36, — 8, *for* 'hereby,' *read* 'here.'

— 53, — 3, *for* 'this,' *read* 'the above.'

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Practical Instructions

AND

FORMS.

FOR DEACON'S ORDERS.

THE testimonials, certificates, documents, and papers required to be transmitted and sent to the bishop *free of expence*, not less than twenty days before the day of ordination, by a candidate for deacon's orders, together with his name, academical degree, place of abode, and actual occupation, are as follows, *videlicet* :—

Testimonial from his college. But if he come not immediately from a college, then there must be also a testimonial in writing from the time he left college, subscribed by three beneficed clergymen, and *countersigned* by the respective bishops of the dioceses in which each of the subscribers is beneficed, if they are not beneficed in the diocese of the bishop to whom it is addressed, in the following form :—

To the Right Reverend Father in God, —, —,
by divine permission, Lord Bishop of —.

Whereas our well beloved in Christ, C. D., of ——— college, Oxford, B. A., hath declared to us his intention of offering himself a candidate for the sacred office of a deacon, and for that end hath requested of us letters testimonial of his learning and good behaviour. We, therefore, whose names are hereunto subscribed, do testify, that the said C. D. having been personally known to us for the space of [*from the time he left college*] last past, hath during that time lived piously, soberly, and honestly, and diligently applied himself to his studies; nor hath he at any time, as far as we know or have heard, maintained or written any thing contrary to the doctrine or discipline of the united church of England and Ireland, as by law established. And moreover, we believe him, in our consciences, a person worthy to be admitted to the sacred order of a deacon.

In witness whereof we have hereunto set our hands, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

E. F., Rector of ———.

G. H., Vicar of ———.

J. K., Perpetual Curate of ———.

Notice, or "*si quis*," and a certificate of such notice having been published in the church not less than a month before the day of ordination, under the hands of the officiating minister and church-

warden of the parish where he resides, except he come immediately from a college, in the following form :—

Notice is hereby given, that C. D., of ——— college, Oxford, B. A., and now resident in this parish, intends to offer himself a candidate for the holy office of a deacon at the ensuing ordination of the lord bishop of —, and if any person knows any cause or just impediment why the said C. D. ought not to be admitted to the holy order of a deacon, he is now to declare the same, or to signify the same forthwith to the lord bishop of —.

We do hereby certify, that on Sunday, the — day of — instant, the above notice was publicly read by the undersigned L. M., in the parish church of —, in the county of —, in the time of divine service, and that no cause or just impediment was then and there alleged.

Witness our hands, this — day of —, in the year of our Lord one thousand eight hundred and —.

L. M., Officiating Minister.

N. O., Churchwarden.

Certificate under the hand of the university professor of divinity, that he attended his lectures.

Certificate of his baptism extracted from the baptism register, under the hand of the officiating minister of the parish where he was baptized, to

prove that he is of the age of * three and twenty years complete.

If he be of the age aforesaid, and cannot produce such certificate, or where his age is greater than appears from the baptism register, as where time elapsed between his birth and baptism, then there must be in either case an affidavit made by some competent person, of the time of his birth, to accompany the baptismal certificate, sworn before a justice of the peace, in the following form :—

I. D., of —, in the county of —, Esquire, maketh oath that his son, C. D., of — college, Oxford, B.A., now a candidate for the sacred office of a deacon at the ensuing ordination of the lord bishop of —, was born in the parish of —, in the county of —, on the — day of —, in the year of our Lord one thousand eight hundred and —, and that he therefore attained his age of three and twenty years on the — day of — last past, [but was not baptized until the — day of —, in the year of our Lord one thousand eight hundred and —, or as the fact is].

Sworn before me, at —, }
 this — day of —, }
 1826.

I. D.

R. S.,

A Magistrate for —.

* The age of twenty-three is completed on the day preceding the anniversary of a person's birth.

The title upon which he is to be ordained deacon,
in the following form :—

To the Right Reverend Father in God, —, —,
by divine permission Lord Bishop of —.

These are to certify your lordship, that I, A. B.,
clerk, M.A., rector of —, in the county of —,
and in your lordship's diocese of —, do hereby
nominate C. D., of — college, Oxford, B. A., to
perform the office of a curate, in my church of
— aforesaid, and do promise to allow him the
yearly stipend of — pounds for his maintenance
in the same, with the surplice fees, amounting on
an average to — pounds per annum, and the use
of the rectory house and the garden and offices
thereunto belonging, and to continue him to officiate
as curate in my said church until he shall be other-
wise provided with some ecclesiastical preferment,
unless for any fault by him committed he shall be
lawfully removed from the same. And I hereby
solemnly declare, that I do not fraudulently give
this certificate to entitle the said C. D. to receive
holy orders, but with a real intention to employ
him in my said church, according to what is before
expressed. And pursuant to the direction of the
Act of Parliament (57th Geo. III., ch. 99), I do
hereby state, that the said C. D. purposes to reside
in the said rectory house; and that the gross
annual value of the said rectory is — pounds.

Witness my hand, this — day of —, in the

year of our Lord one thousand eight hundred and —

A. B., Incumbent.

(*Add address.*)

See Act, 57 Geo. III. ch. 99, sections 48, 49, and 52, to 63 ; the above form of title is to be altered according to the facts of the case.

Examination of his literary qualifications *.

The bishop's secretary will apprise him when and where he is to attend the chaplain for examination.

Within three months after licence, he is to read in the church where he is to officiate as curate, on some Sunday, the declaration appointed by the act of uniformity, and also the certificate of his having subscribed it before the bishop, in the presence of the congregation there assembled, in the time of Divine service.

* He must be his own representant, and a graduate of one of the Universities, and should procure a detail of what is expected from him at his examination (the least he ought to know) ; and without he has a competent share of learning and of knowledge in the Holy Scriptures, an exact knowledge of the professional duties, and true ideas of the necessary qualifications for the office for which he is a candidate, he will not be admitted to be ordained.

FOR PRIEST'S ORDERS.

Testimonial, in writing, from the time he was ordained deacon, subscribed by three beneficed clergymen, exactly in the manner specified for deacon's orders; but instead of "deacon" say "priest."

Notice, or "*si quis*," and certificate of publication thereof, exactly in the manner specified for deacon's orders; but instead of "deacon" say "priest."

The title upon which he is to be ordained priest; except he be already licenced and actually employed as a curate in some church within the bishop's jurisdiction, must be either a nomination to a stipendiary or perpetual curacy, or a presentation to some benefice.

If he was not ordained deacon by the same bishop, then there must be also sent with his other papers, his letters of orders for deacon, and his baptismal certificate, in the manner shewed for deacon's orders.

The age at which a deacon is qualified to be ordained priest is four and twenty years complete.

The bishop's secretary will apprise him when and where he is to attend the chaplain for examination.

All the above-mentioned instruments are to be transmitted and sent to the bishop *free of expence*, not less than twenty days before the day of ordination.

FOR A LICENCE TO A CHAPEL.

Nomination of the incumbent of the parish, with the proprietor's consent to such nomination, according to the following form :—

To the Right Reverend Father in God, —, —,
by divine permission Lord Bishop of —.

These are to certify your lordship, that I, A. B., Clerk, M.A., rector of —, in the county of —, in your lordship's diocese of —, do hereby nominate C. D., clerk, B. D., to perform the office of alternate morning preacher in — chapel, situate in — Street —, in the outward of the said parish of — : and E. F., Esquire, the proprietor of the said chapel consenting hereto, and engaging for himself; or any future proprietor thereof, to allow him the said C. D., the yearly stipend of — pounds for his maintenance in the said office, and to continue him to officiate as alternate morning preacher in the said chapel, unless for any fault by him committed he shall be lawfully removed from the same; and do humbly pray your lordship to grant him your licence to serve the said office. Witness my hand this — day of — in the year of our Lord one thousand eight hundred and —.

A. B., Rector of —.

I, E. F., of —, in the county of —, Esquire, do hereby give my consent to the nomination of the said C. D., Clerk, B. D., to the office of alternate morning preacher in — chapel aforesaid. And I hereby promise for myself, or any future proprietor thereof, to allow him the yearly stipend of — pounds for his maintenance in the said office. Witness my hand this — day of —, in the year of our Lord one thousand eight hundred and —.

E. F.

Letters of Orders of Deacon and Priest.

Testimonial in writing, subscribed by three beneficed clergymen, and *countersigned* by the respective bishops of the dioceses in which each of the subscribers is beneficed, if they are not beneficed in the diocese of the bishop to whom it is addressed, in the following form :—

To the Right Reverend Father in God, —,
by divine permission Lord Bishop of —.

We whose names are hereunder written, testify and make known, that C. D., clerk, B. D. duly nominated to the office of alternate morning preacher in — chapel, situate in — Street, in the outward of the parish of — in the county of —, and your lordship's diocese, having been, &c. [*the rest is exactly the same as in testimonial for institution to a benefice, to*—as by law established. And moreover, we believe him in our consciences a person

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unless for any fault by him committed he shall be lawfully removed from the same. And pursuant to the direction of the act of parliament (57 Geo. 3. ch. 99.), I do hereby state that the said C. D. purposes to reside in the parish, the rectory-house being in my own occupation. That the said C. D. does not serve any other parish as curate or incumbent, and has not any other ecclesiastical preferment, and does not hold any donative, perpetual curacy, or parochial chapelry, and does not officiate in any other church or chapel; and that the gross annual value of the said rectory is — pounds.

Witness my hand this — day of —, in the year of our Lord one thousand eight hundred and —.

A. B, Incumbent.

[add address.]

See act 57 Geo. 3. ch. 99. sections 48, 49, and 52, to 63. The above form of nomination to be altered according to the facts of the case.

The incumbent is to state on the nomination the name of the *rural dean* of the district, if there be one; if not, the name and preferment of the nearest resident incumbent, to whom the bishop may issue a commission to qualify the curate to be licenced.

Letters of Orders of Deacon and Priest.

Testimonial in writing, subscribed by three beneficed clergymen, and countersigned by the res-

pective bishops of the dioceses in which each of the subscribers is beneficed, if they are not beneficed in the diocese of the bishop to whom it is addressed, in the following form :—

To the right Reverend Father in God, ———,
by divine permission Lord Bishop of ———.

We whose names are hereunder written, testify and make known that C. D., clerk, B. A., nominated to serve the cure of ———, in the county of ———, and your lordship's diocese, having been, &c.—*[the rest is exactly the same as in testimonial for institution to a benefice, to]*—as by law established. And moreover, we believe him in our consciences a person worthy to be licenced to serve the said cure.

In witness whereof we have hereunto set our hands this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

E. F., Rector of ———.

G. H., Vicar of ———.

I. K. Perpetual Curate of ———.

Before licence, the clerk must, in the presence of the bishop, or his commissary lawfully appointed, subscribe the thirty-nine articles, take the oaths of allegiance, supremacy, and canonical obedience, and make and subscribe the declaration of conformity required by the statute 14 Car. 2. c. 4.

After licence, the clerk must read the declaration

of conformity, and the certificate of his having subscribed it before the bishop, within three months after *subscribing* such declaration in the church where he is to officiate, on some Sunday, in the time of divine service, and in the presence of the congregation.

FOR A LICENCE TO A LECTURESHIP.

Certificate of the minister and churchwardens of the parish, of his having been duly elected lecturer, or an appointment under the hand and seal of the person who has power to appoint, with the incumbent's consent to such election or appointment.

Letters of Orders of Deacon and Priest.

Testimonial in writing, subscribed by three beneficed clergymen, and *countersigned* by the respective bishops of the dioceses in which each of the subscribers is beneficed, if they are not beneficed in the diocese of the bishop to whom it is addressed, in the following form:—

To the Right Reverend Father in God ———,
by divine permission Lord Bishop of ———.

We whose names are hereunder written, testify

and make known that C. D., clerk, M. A., duly elected to the office of lecturer, or stipendiary preacher in the parish church of ———, in the county of ———, and your lordship's diocese, having been, &c. [*the rest is exactly the same as in the testimonial for institution to a benefice, to*—as by law established; and moreover we believe him in our consciences a person worthy to be licenced to the said lectureship. In witness whereof we have hereunto set our hands this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

E. F., Rector of ———.

G. H., Vicar of ———.

I. K., Rector of ———.

Before licence, the clerk must, in the presence of the bishop, or his commissary lawfully appointed, read and subscribe the thirty-nine articles, and declare his unfeigned assent and consent to the same; take the oaths of allegiance, supremacy, and canonical obedience; and make and subscribe the declaration of conformity required by the statute 14 Car. 2. c. 4.

After licence, he must read the declaration of conformity, and the certificate of his having subscribed it before the bishop, within three months after *subscribing* such declaration, in the parish church where he is to officiate, on some Sunday, in the time of divine service, and in the presence of the congregation.

And if he preacheth in the week days, he must read the common prayers and service for the day when he first preacheth, before his sermon, and declare his unfeigned assent to that book; and he must do the same the first lecture day in every month, so long as he continues the lecturer.

When any sermon or lecture is to be preached, the common prayers and service in and by the said book appointed to be read for that time of the day shall be openly, publicly, and solemnly read by some priest or deacon, in the church, chapel, or place of public worship, where the said sermon or lecture is to be preached, before such sermon or lecture be preached; and the lecturer then to preach shall be present at the reading thereof.

FOR A LICENCE TO A PERPETUAL CURACY*.

Nomination under the hand and seal of the patron, written upon a proper stamp, and attested by two credible persons, with their names, places of abode, and occupation at length, according to the following form :—

* Although a perpetual curacy is held by licence, they are considered in law as benefices presentative; to this effect, that one such living, together with another living, make a plurality.

and make known that C. D., clerk, M. A., duly elected to the office of lecturer, or stipendiary preacher in the parish church of ———, in the county of ———, and your lordship's diocese, having been, &c. [*the rest is exactly the same as in testimonial for institution to a benefice, to*—as by law established; and moreover we believe him in our consciences a person worthy to be licenced to the said lectureship. In witness whereof we have hereunto set our hands this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

E. F., Rector of ———.

G. H., Vicar of ———.

I. K., Rector of ———.

Before licence, the clerk must, in the presence of the bishop, or his commissary lawfully appointed, read and subscribe the thirty-nine articles, and declare his unfeigned assent and consent to the same; take the oaths of allegiance, supremacy, and canonical obedience; and make and subscribe the declaration of conformity required by the statute 14 Car. 2: c. 4.

After licence, he must read the declaration of conformity, and the certificate of his having subscribed it before the bishop, within three months after *subscribing* such declaration, in the parish church where he is to officiate, on some Sunday, in the time of divine service, and in the presence of the congregation.

* When to an archbishop, &c. it is addressed in the manner as for presentation.

Letters of Orders of Deacon and Priest.

Testimonial in writing, subscribed by three beneficed clergymen, and *countersigned* by the respective bishops of the dioceses in which each of the subscribers is beneficed, if they are not beneficed in the diocese of the bishop to whom it is addressed, in the following form :—

To the right Reverend Father in God, ———, by divine permission Lord Bishop of ———.

We whose names are hereunder written, testify and make known that E. F., clerk, M. A., nominated to the perpetual curacy of ———, in the parish of ———, in the county of ———, and your lordship's diocese, having been, &c. [*the rest is exactly the same as a testimonial for institution to a benefice.*]

The requisites to be observed *before licence*, are the same as those specified for a stipendiary curacy.

The requisites to be observed *after licence*, are the same as those specified *after induction* to a benefice, within the times required by law.

* See Forms of Presentations, under article "*Institution.*"

*When upon the Petition of the Patron to be himself
licenced.*

Petition of the patron, without any stamp, in the following form :—

To the Right Reverend Father in God ———,
by divine permission Lord Bishop of ———.

The humble petition of A. B., clerk, M. A.
Sheweth,

That the perpetual curacy of ———, in the parish of ———, in the county of ———, within your lordship's diocese and jurisdiction, is now vacant by the death of C. D., clerk, B. A., the last curate there, and doth of right belong to your petitioner's nomination as patron thereof.

That your petitioner being a clerk in orders duly qualified, is desirous to be licenced to perform the office of curate of the said perpetual curacy of ———.

Your petitioner therefore humbly prays your lordship to grant him your licence to perform the office of curate of the said perpetual curacy of ———, and to do all other things in this behalf which belong to your lordship's pastoral office.

And your petitioner will ever pray, &c.

A. B.

January, 1826.

The evidence of title.

Letters of Orders of Deacon and Priest.

Testimonial in writing, exactly in the manner above specified ; but instead of "nominated," say "to be licenced on his own petition as patron."

FOR ADMISSION TO A DONATIVE *.

The donee being duly qualified, is put into possession by a donation in writing of the patron, without presentation, institution, or induction.

The donation must be under the hand and seal of the patron, written upon a proper stamp, and attested by two credible persons with their names, places of abode, and occupation, at length, according to the following form :—

To all to whom these presents shall come,
A. B., of ———, in the county of ———,
Esquire, sendeth greeting.

Whereas, the office or place of chaplain or curate

* A donative is within the statute of pluralities, if it is the first living. But if it is the second benefice taken without a dispensation, the first will not be void ; for the words of the statute are *instituted and inducted* into any other, which are not applicable to donatives.

of the chapel or curacy of ———, in the county of ———, being a donative exempt from all ecclesiastical jurisdiction, and locally situated in the diocese of ———, is now vacant, by the death of C. D., clerk, M. A., the last chaplain or curate there, and belonging to my donation and free disposition in full right. Know ye, that I the said A. B. have given and granted, and by these presents do give and grant, unto my beloved in Christ E. F., clerk, B. D., the office or place of chaplain or curate of the said chapel or curacy. To have, hold, and enjoy the said office or place of chaplain or curate of the said chapel or curacy of ———, for and during the term of his natural life, with all and every salaries, stipends, profits, emoluments, rights, and appurtenances, belonging to the said office or place of chaplain or curate as aforesaid, as fully, freely, and effectually, and in as full and ample manner and form, as any of his predecessors have had, or ought to have had, and enjoyed the same. In witness whereof, I the said A. B. have hereunto set my hand and seal, the ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

Signed, sealed, and delivered,
in the presence of

G. H., of &c.

I. K., of &c.

A. B. (Seal.)

Before admission, the donee must in the presence of his patron and of the bishop in whose dio-

these the donative lies, subscribe the thirty-nine articles, take the oaths of allegiance, supremacy, and simony, and make and subscribe the declaration of conformity required by the statute 14 Car. 2. c. 4, under the hand and seal of his patron.

The donee is to obtain from the bishop a certificate, under his hand and seal, of his having first before him taken the oaths, and made such subscriptions and declaration as required by law.

After admission, the requisites to be observed are the same as those after induction to a benefice. But it is not necessary for the donee to prove the performance of them.

For Form of a Resignation of a Donative, see Appendix, No. IX.

COLLATION.

Collation, is where a benefice is conferred by the bishop, to whom the collation thereof belongs as patron *jure pleno*, or which came to him by negligence and lapse; and no presentment is made, nor is a testimonial requisite, the collatee being a clerk in orders.

There is no manner of difference between institution and collation as to the action itself, but this, that the bishop *does not present* to such livings as are in his gift within his own diocese, but immedi-

ately collates his clerk, in the same manner as he institutes a clerk presented to him by any other patron.—See INSTITUTION.

No benefice can lapse from the king to the ordinary or other person; and in case the king doth not present, all that the ordinary can do is to sequester the profits of the church, and licence a curate to serve the cure.

FOR INSTITUTION*.

Presentation under the hand and seal of the patron written upon a proper stamp, and attested by two credible persons, with their names, places of abode, and occupation, at length, according to the following form :—

When to an Archbishop.

To the most Reverend Father in God, ———, by divine Providence Lord Archbishop of Canterbury, Primate of all England, and

* It is usual, where the right of patronage is likely to be contested, for a caveat to be entered with the bishop's registrar and secretary by one of the contending parties, to prevent institution being granted without notice being first given him.—For Form of a Bond to Indemnify the Bishop in such case, see Appendix, No. I.

Metropolitan, or in his absence, to his vicar general in spirituals, or to any other person or persons having, or who shall have sufficient authority in this behalf; A. B., of —, in the county of —, Esquire, the true and undoubted patron of the rectory and parish church of —, in the county of —, and your Grace's diocese of *Canterbury*, greeting.

I present to your grace and to the rectory and parish church of — aforesaid, now vacant by the death of C. D., clerk, D. D., the last incumbent there, and belonging to my presentation in full right, my beloved in Christ, E. F., clerk, D. D., humbly praying that your grace would be graciously pleased to admit and canonically to institute him the said E. F. to the rectory and parish church of — aforesaid, to invest him with all and singular the rights, members, and appurtenances thereunto belonging, to cause him to be inducted into the real, actual, and corporal possession thereof, and to do all other things which to your grace's pastoral office may in this case appertain or belong. In witness whereof, I the said A. B. have to these presents subscribed my name and affixed my seal, this — day of —, in the year of our Lord one thousand eight hundred and —.

Signed, sealed, and delivered,

in the presence of

G. H., of &c.

L. K., of &c.

A. B. (Seal.)

If it be to the archbishop as guardian of the spiritualties of a vacant diocese, insert, after the word "metropolitan," *To whom all manner of jurisdiction both spiritual and ecclesiastical of the diocese of — doth belong, during the vacancy thereof.*

If it be made to the archbishop of York, the word *all* is to be omitted.

Where a presentation is of two united benefices, and rated in the king's books, both must be taken at the valuation of one benefice, according to their valuations in the king's books; and if they amount together to 10*l.* it must be stamped accordingly.

To a Bishop.

To the Right Reverend Father in God, —, by divine permission Lord Bishop of —, or in his absence, to his vicar general in spirituals, or to any other person or persons having, or who shall have sufficient authority in this behalf; A. B., of —, in the county of —, Esquire, the true and undoubted patron of the vicarage and parish church of —, in the county of —, and your Lordship's diocese of —, greeting.

I present to your lordship and to the vicarage

and parish church of ——— aforesaid, now vacant by the death of C. D., clerk, D. D., the last incumbent there, and belonging to my presentation in full right, my beloved in Christ, B. F., clerk, D. D., humbly praying that your lordship would be graciously pleased to admit and canonically to institute him the said B. F., to the vicarage and parish church of ——— aforesaid, to invest him with all and singular the rights, members, and appurtenances thereunto belonging, to cause him to be inducted into the real, actual, and corporal possession thereof, and to do all other things which to your pastoral office may in this case appertain or belong: In witness whereof, I the said A. B. have to these presents subscribed my name and affixed my seal, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

Signed, sealed, and delivered, }
 in the presence of }
 G. H., of &c. } A. B. (Seal.)
 I. K., of &c. }

For a Minor.

To the Right Reverend Father in God, ———
 by divine permission Lord Bishop of ———
 or in his absence to his vicar general de

" To the Right Reverend Father in God, —, by divine permission Lord Bishop of —,"
 or in his absence, to his vicar general in spirituals, or to any other person or persons having, or who shall have sufficient authority in this behalf, A. B. of —, in the county of —, Esquire, sendeth greeting.

Whereas the perpetual curacy of —, in the parish of —, in the county of —, and in your lordship's diocese of —, is now vacant by the death of C. D., clerk, B. A., the last incumbent there, and doth of right belong to my nomination; these are humbly to certify your lordship, that I do hereby nominate E. F., clerk, M.A., to be the curate of the said perpetual curacy of —, and to have and enjoy all and singular the emoluments, rights, benefits, advantages, and appurtenances thereunto belonging, entreating that your lordship would be pleased to licence the said E. F. to the said perpetual curacy of —. In witness whereof, I, the said A. B., have to these presents subscribed my name and set my seal this — day of —, in the year of our Lord one thousand eight hundred and —.

Signed, sealed, and delivered

in the presence of

G. H., of &c.

I. K., of &c.

A. B. (Seal.)

* When to an archbishop, &c. it is addressed in the manner as for presentation.

Letters of Orders of Deacon and Priest.

Testimonial in writing, subscribed by three beneficed clergymen, and *countersigned* by the respective bishops of the dioceses in which each of the subscribers is beneficed, if they are not beneficed in the diocese of the bishop to whom it is addressed, in the following form :—

To the right Reverend Father in God, ———, by divine permission Lord Bishop of ———.

We whose names are hereunder written, testify and make known that E. F., clerk, M. A., nominated to the perpetual curacy of ———, in the parish of ———, in the county of ———, and your lordship's diocese, having been, &c. [*the rest is exactly the same as a testimonial for institution to a benefice.*]

The requisites to be observed *before licence*, are the same as those specified for a stipendiary curacy.

The requisites to be observed *after licence*, are the same as those specified *after induction* to a benefice, within the times required by law.

* See Forms of Presentations, under article "*Institution.*"

spirituals, or to any other person or persons having, or who shall have sufficient authority in this behalf, A. B., of —, in the county of —, Esquire, a minor under the age of twenty-one years, to wit, of the age of — years or thereabouts, the true and undoubted patron of the rectory and parish church of —, in the county of —, and your Lordship's diocese of —, greeting.

I present to your lordship and to the rectory and parish church of — aforesaid, now vacant by the death of C. D., clerk, D. D., the last incumbent there, and belonging to my presentation in full right, my beloved in Christ, E. F., clerk, D. D., by the advice and with the approbation of C. B., my mother and natural guardian, testified by her duly signing, sealing, and delivering of these presents, attested by two witnesses, humbly praying that your lordship would be graciously pleased to admit and canonically to institute him, the said E. F., to the rectory and parish church of — aforesaid, to invest him with all and singular the rights, members, and appurtenances thereunto belonging, to cause him to be inducted into the real, actual, and corporal possession thereof, and to do all other things which to your lordship's pastoral office may in this case appertain or belong. In witness whereof, I, the said A. B., have to these presents subscribed my name and affixed my seal, this —

day of —, in the year of our Lord one thousand
eight hundred and —

Signed, sealed, and delivered,

by the above-named A. B.,

in the presence of

G. H. of &c.

I. K., of &c.

A. B. (Seal.)

Signed, sealed, and delivered,

by the above-named C. B.,

in the presence of

G. H., of &c.

I. K., of &c.

C. B. (Seal.)

For a Sinecure.

To the Right Reverend Father in God —,
by divine permission Lord Bishop of —,
or in his absence, to his vicar general in
spirituals, or to any other person or persons
having, or who shall have sufficient author-
ity in this behalf; A. B., of —, in the
county of —, Esquire, the true and un-
doubted patron of the rectory and parish
church of —, in the county of —, and
your Lordship's diocese of —, being a
parsonage that hath a vicar endowed, and
as such not to be taken or comprehended
under the name of benefice having cure of
souls, greeting.

Manner of Institution.—The clerk is to kneel down before the bishop or his commissary, who reads the words out of the letters of institution, with the seal episcopal appendant; which the clerk during the ceremony is to hold in his hand; and this may be done by the bishop under the episcopal seal, or any other seal besides that of his office.

After Institution.—Before he is in actual possession, to pay or compound for the payment of the first fruits of his benefice, at the First Fruits Office, Temple, London, unless it is discharged therefrom.

When the bishop's mandate is to the archdeacon of the place, it is to be taken to his office for his mandate of induction, which is directed to all clergymen within the archdeaconry; and any one of them may induct.

But if it is directed to all clergymen within the bishop's diocese, any one of them may induct without applying at the office of the archdeacon.

Induction is generally performed by some neighbouring clergyman, who, taking the hand of the clerk to be inducted, lays it on the key of the church, which is then in the church door, (or on the ring of the church door, or if the church is ruined, it is done by laying his hand on the wall, or on the fence of the church-yard,) and says:—
 “ By virtue of this mandate (which he holds in his
 “ hand, or puts it into the handle of the key), I
 “ induct you into the real, actual, and corporal pos-
 “ session of the rectory of ———, with all its
 “ rights, profits, and appurtenances thereto belong-

or in his absence, to his vicar-general in spirituals, or to any other person or persons having, or who shall have, sufficient authority in this behalf. The Right Honorable _____, Earl of _____ greeting.

Whereas the rectory and parish church of _____ in the county of _____, and your lordship's diocese of _____, is now vacant by the death of C. D., clerk, M. A., the last incumbent there, and belonging to my presentation in full right, as the attorney lawfully appointed for this purpose by the Right Honorable _____, of _____, in the said county of _____ (now at _____), who is the true and undoubted patron of the said rectory and parish church of _____, I do therefore by these presents present unto your lordship, and to the rectory and parish church of _____ aforesaid, my beloved in Christ E. F., clerk, D. D., humbly praying that your lordship would be graciously pleased to admit and canonically to institute him the said E. F. to the rectory and parish church of _____ aforesaid, to invest him with all and singular the rights, members, and appurtenances thereunto belonging, to cause him to be inducted into the real, actual, and corporal possession thereof, and to do all other things which to your lordship's pastoral office may in this case appertain or belong. In witness whereof, I have hereunto set my hand and seal this _____

day of —, in the year of our Lord one thousand eight hundred and —.

Signed, sealed, and delivered
in the presence of
G. H., of &c. } (Seal.)
I. K., of &c.

Letters of Orders of Deacon and Priest.—But if lost or destroyed by accident, proof may be made from the registry of the bishop who ordained the clerk.

Testimonial in writing subscribed by three beneficed clergymen, and countersigned by the respective bishops of the dioceses in which each of the subscribers is beneficed, if they are not beneficed in the diocese of the bishop to whom it is addressed, in the following forms:—

To the Right Reverend Father in God, —, by divine permission Lord Bishop of —.

We, whose names are hereunder written, testify and make known, that E. F., clerk; D. D., presented to the rectory of —, in the county of —, and your lordship's diocese, having been personally known to us for the space of three years last past, hath during that time lived piously, soberly, and honestly; nor hath he at any time, as far as we know or believe, held, written, or taught anything contrary to the doctrine or discipline of

the united church of England and Ireland, as by law established; and moreover, we believe him in our consciences a person worthy to be admitted to the cure of souls. In witness whereof, we have hereunto set our hands, this — day of —, in the year of our Lord one thousand eight hundred and

L. M., Vicar of —.

N. O., Rector of —.

P. Q., Perpetual Curate of —.

* By the 13th Eliz. ch. 12. sect. 12, no person is to be admitted into a benefice with cure, &c. of or above the value of 30*l.* yearly in the Queen's books, unless he is a bachelor in divinity, or a preacher lawfully allowed by some bishop within this realm, or by one of the universities of Cambridge or Oxford; and all admissions to the contrary are void.

Before Institution.—The clerk must, in the presence of the bishop, or his commissary lawfully appointed, subscribe the thirty-nine articles, take the oaths of allegiance, supremacy, simony, and canonical obedience, and make and subscribe the declaration of conformity required by the statute 14 Car. 2; c. 4.

* But this is not necessary, as every priest is permitted to preach, at least in his own cure, by the charge given him at his ordination, and by the very nature of his office.

in Churches, and the form or manner of making, ordain-
 ing, and consecrating Bishops, Priests, and Deacons;
 and immediately after reading the same, the said
 E. F. did openly and publicly, before the congrega-
 tion there assembled, declare his unfeigned assent
 and consent to all things therein contained and
 prescribed, in these words following, *videlicet*.—
I, E. F., clerk D. D., do hereby declare my un-
feigned assent and consent to all and every thing con-
tained and prescribed in and by the book intitled
The Book of Common Prayer, and the administration
of the Sacraments, and other rites and ceremonies of
the church, according to the use of the united church
of England and Ireland, together with the Psalter or
Psalms of David; pointed as they are to be sung or
said in churches, and the form or manner of making,
ordaining, and consecrating of Bishops, Priests, and
Deacons. And that on the day and year aforesaid,
 in the parish church aforesaid, the said E. F. did
 publicly and openly, before the congregation there
 assembled, in the time of divine service, read this
 declaration following, *videlicet*.—*I, E. F., clerk,*
D. D., do declare that I will conform to the Liturgy
of the united church of England and Ireland, as it is
now by law established; and a certificate under the
hand and seal of the Right Reverend Father in
God, ~~my~~, by divine permission Lord Bishop of
~~my~~, of his having subscribed the same before
 him. And these things we promise to testify upon
 our corporal oaths, if at any time we should be
 duly called thereto. In witness whereof, we have:

hereunto set our hands, this — day of —, in
the year of our Lord one thousand eight hundred
and —.

} Churchwardens
or
} Inhabitants.

(As the fact is.)

Finally, within six months after his admission,
he must take the oaths required by law to be taken
in one of the Courts at Westminster, or at the
General Quarter Sessions of the Peace of the
county, city, or place where he shall reside.

For Form of a Release of Dilapidations, see
Appendix, No. V.

*When upon the Petition of the Patron to be himself
admitted.*

Petition of the patron, without any stamp, in the
following form :—

To the Right Reverend Father in God, —,
by divine permission Lord Bishop of —.

The humble Petition of A. B., clerk, B. D.

Sheweth,

That the rectory and parish church of —, in
the county of —, within your lordship's diocese

and jurisdiction, is now vacant by the death of C. D. Clark, D. D., the last incumbent there.

That your petitioner being the true and undoubted patron thereof in full right, and a clerk in orders duly qualified, is desirous to be admitted, instituted, and inducted into the said rectory and parish church of —, and of all and singular the rights, members, and appurtenances thereunto belonging.

Your petitioner, therefore, humbly prays your lordship to grant him admission, institution, and induction to the said rectory and parish church of —, and to do all other things in this behalf which belong to your lordship's pastoral office.

And your petitioner will ever pray, &c.

A. B.

January, 1826.

The evidence of title.

Letters of Orders of Deacon and Priest.

Testimonial in writing exactly in the manner before specified, but instead of "presented" say "to be admitted and instituted on his own petition as the true and undoubted patron."

FOR RESIGNATIONS.

It is necessary for a clergyman who is desirous to discharge himself of the cure and the duties of his benefice, to address a letter to the bishop of the diocese, stating his reasons for resigning the same (except it be exempt from the jurisdiction of the ordinary), and if the bishop consents thereto. He is to make the resignation before a notary public and two credible witnesses, who are to attest it with their names, places of abode, and occupation; at length, and the notary public is to certify such resignation to the bishop, and which must be written upon a proper stamp, in the following form:

In the name of God, Amen. Before you, a notary public, and credible witnesses here present, I, A. B., clerk, B. D., rector of the rectory and parish church of —, in the county of —, and diocese of —, being willing and desirous, for certain just and lawful causes me hereunto especially moving, without compulsion, fraud, or deceit, do hereby purely, simply, and absolutely give up and resign the said rectory and parish church of —, with all their rights, members, and appur-

tenances, into the sacred hands of * “ *the Right Reverend Father in God, —, by divine permission Lord Bishop of —,*” or of any other whomsoever, that hath or shall have power to admit and accept this my resignation ; and I totally renounce all my right, title, and possession of, in, and to the same rectory and parish church of —, with all their rights, members, and appurtenances heretofore had and hitherto belonging to me. [*When it is a Dignity, here insert †.*] I quit them and expressly resign and cede them by these presents ; and that this my resignation may have its due and full effect, I do hereby nominate and appoint — and —, and either of them jointly and severally, my proctors or substitutes, to exhibit this my resignation to the said right reverend father, and in my name humbly to pray that his lordship would graciously vouchsafe to accept thereof, and pronounce, decree, and declare the said rectory of —, to be void and resigned to all intents and purposes of law whatsoever ; ‡ *and to decree that an intimation of such avoidance and resignation may be issued to the patron or patrons thereof.* In testimony whereof, I, the said A. B., have hereunto set my

* To be addressed in manner as a presentation, according to the fact.— See Forms of Presentations under article “ Institution.”

† Together with the stall in the choir, and place and voice in the chapter of the said cathedral church, belonging to the said prebend or canonry, or *as the case may be.*

‡ The words in *Italics*, are always omitted when in the bishop’s gift.

hand and seal, this — day of —, in the year of our Lord one thousand eight hundred and —.

Witnesses present,

C. D., of &c.

A. B. (Seal.)

E. F., of &c.

The notarial act to annex to the above resignation, to be written upon a proper stamp, in the following form :—

These are to certify, to all persons whom it may concern, that on the — day of —, in the year of our Lord one thousand eight hundred and —, A. B., clerk, B. D., rector of the rectory and parish church of —, in the county of —, and diocese of —, came before me, the undersigned notary public, and gave up and resigned his said rectory and parish church of —, with all their rights, members, and appurtenances heretofore had and hitherto belonging to him, and appointed — and —, and either of them jointly and severally, his proctors or substitutes, to exhibit his resignation to the right reverend father in God, —, by divine permission lord bishop of —, and did and performed all other things, as is particularly mentioned and set forth in his said resignation hereunto annexed, in the presence of the two credible witnesses whose names are thereto subscribed as attesting the same.

G. H.,

Notary Public.

The form of resignation and notarial act should be varied according to the instrument whereby the clerk holds his benefice, dignity, office, or promotion. The name and address of the patron to whom notice of the avoidance is to be given, should accompany the resignation and notarial act to the bishop's secretary, whose name may be inserted in the resignation as one of the proctors to exhibit it to the bishop for acceptance.

Form of Resignation of a Perpetual Curacy.

In the name of God, Amen. Before you, a notary public, and credible witnesses here present, I, A. B., clerk, M. A., curate of the perpetual curacy of ———, in the county of ———, and diocese of ———, being willing and desirous for certain just and lawful causes me hereunto especially moving, without compulsion, fraud, or deceit, do hereby purely, simply, and absolutely give up and resign the said perpetual curacy and church of ——— aforesaid, with all its rights, members, and appurtenances, into the sacred hands of the right reverend father in God, ———, by divine permission lord bishop of ———, or of any other whomsoever, that hath or shall have power to admit and accept this my resignation; and I totally renounce all my right, title, and possession of, in, and to the said perpetual curacy and church of ——— aforesaid, with all its rights, members, and appurtenances heretofore had and hitherto belonging to

me. I quit them and expressly resign and cede them by these presents; and that this my resignation may have its due and full effect, I do hereby nominate and appoint — and —, and either of them jointly and severally, my proctors or substitutes, to exhibit this my resignation to the said right reverend father, and in my name humbly to pray that his lordship would graciously be pleased to accept thereof, and pronounce, decree, and declare the said perpetual curacy and church of — aforesaid, to be void and resigned to all intents and purposes of law whatsoever; * *and to decree that an intimation of such avoidance and resignation may be issued to the patron, or patrons thereof.* In witness whereof, I, the said A. B., have hereunto set my hand and seal, this — day of —, in the year of our Lord one thousand eight hundred and —.

Witnesses present,

C. D., of &c.

A. B. (Seal)

E. F., of &c.

Form of a Notarial Act to annex to the above Resignation of a Perpetual Curacy.

These are to certify to all persons whom it may concern, that on the — day of —, in the year of our Lord one thousand eight hundred and —, A. B. clerk, M. A, curate of the perpetual curacy of —, in the county of —, and diocese of —,

* The words in *Italics*, are always omitted when in the bishop's gift.

came before me, the undersigned notary public, and gave up and resigned his said perpetual curacy and church of ———, with all its rights, members, and appurtenances heretofore had, and hitherto belonging to him, and appointed ——— and ———, and either of them jointly and severally, his procutors or substitutes, to exhibit his resignation to the right reverend father in God, ———, by divine permission lord bishop of ———, and did and performed all other things, as is particularly mentioned and set forth in his said resignation hereunto annexed, in the presence of the two credible witnesses, whose names are thereto subscribed as attesting the same.

G. H.,

Notary Public.

A resignation is not good unless the bishop accepts it. But this must be understood of a benefice *with cure* of souls, because it may be prejudicial to many without such acceptance; but where there is *no cure*, it is good without acceptance.

By the law of Ireland, no person can take a benefice there until he has resigned all his preferments in England.

For Form of Resignation before the Bishop, see Appendix, No. VII.

For Form of Resignation before the King, see Appendix, No. VI.

For Form of Resignation Bond, see Appendix, No. II.

FOR CHAPLAINSHIPS.

A chaplainship must be under the hand and armorial seal of the person qualifying, written upon a proper stamp, and attested by one witness, with his name, place of abode, and occupation at length, and must be registered in the Faculty Office, Doctors' Commons, before it can be acted upon, in the following form :—

To all to whom these presents shall come, the Right Honorable ———, of ———, in the county of ———, sendeth greeting. Know ye, that I the said ———, in consideration of the integrity of life, good morals, and proficiency in sacred learning, of the Reverend C. D., clerk, M. A., and rector of ———, in the county of ———, have nominated, appointed, taken, and admitted, and by these presents do, in the place and stead of ———, late one of my chaplains deceased, nominate, appoint, take, and admit him the said C. D., into the number of my domestic chaplains. By virtue whereof, it shall and may be lawful to and for him the said C. D., freely to have, hold, and enjoy, all and singular the benefits, privileges, liberties, and advantages whatsoever given and granted to the chaplains of the peers of the united kingdom of Great Britain and Ireland, by the statutes and laws thereof. Given under my hand and seal at arms, this ——— day of

—, in the year of our Lord one thousand eight hundred and —.

Witness,

(*Armorial Seal.*)

G. H., of, &c.

For a Minor.

To all to whom these presents shall come, I, —, countess dowager of —, the natural and lawful mother of the most noble —, duke of —, an infant under the age of — years, and his guardian especially appointed in and by the last will and testament of his father, the right honorable —, late earl of —, deceased, send greeting. Know ye, that I the said —, countess dowager of —, in consideration of the integrity of life, good morals; and proficiency in sacred learning, of the reverend C. D., clerk, M. A., have nominated, appointed, taken, and admitted; and by these presents do, as testamentary guardian of the said —, duke of —, nominate, appoint, take, and admit him the said C. D., into the number of the domestic chaplains of the said —, duke of —. By virtue whereof, it shall and may be lawful to and for him the said C. D., freely to have, hold, and enjoy, all and singular the benefits, privileges, liberties, and advantages whatsoever given and granted to the chaplains of the peers of the united kingdom of Great Britain and Ireland, by the statutes and laws thereof. Given under my

hand and seal at arms, this — day of —, in the year of our Lord one thousand eight hundred and —.

Witness,

(*Armorial Seal.*)

G. H., of, &c.

For a Form of Chaplainship to a Bishop, see Appendix, No. III.

The king, queen, prince, princess, and any of the king's children, brothers, sisters, uncles, or aunts, may retain as many chaplains as they please; an archbishop, eight; a duke or bishop, six; marquess or earl, five; viscount, four; baron, knight of the garter, or lord chancellor, three; duchess, marchioness, countess, baroness (being widows), treasurer and comptroller of the king's house, the king's secretary, dean of the chapel, almoner, and master of the rolls, two; the chief justice of the King's Bench and warden of the Cinque Ports, one; each of these is entitled to a dispensation to hold two benefices. 21 Henry VIII. c. 13.

One of the privy council is entitled to a dispensation to hold three benefices.

A king's chaplain may hold as many benefices in the king's gift, as the king shall think fit to bestow on him, without a dispensation. But when a king's chaplain is presented to a second benefice by a subject, a dispensation is necessary, and must be obtained before his institution to the second living.

A chaplain extraordinary to the king, has not a

privilege to hold two benefices with cure of souls of 8*l.* yearly value or above, without a dispensation.

A chaplain cannot be disqualified by the simple displeasure of the patron.

The chaplaincy ceases with the death or attainder of the person qualifying ; but when a chaplain has accepted a second benefice before his lord dies or is attainted, his dispensation continues in force afterwards.

The act against pluralities is to be construed strictly ; and therefore if a peer shall have a double capacity to qualify clergymen (as if a baron should be made master of the rolls), he can only qualify as a peer, for that is his best capacity.

For Form of a Resignation of a Chaplainship,
see Appendix, No. VIII.

PLURALITY.

Plurality of livings, is where the same clerk obtains two benefices with cure of souls ; in such case the first is void *ipso facto*, without any sentence of deprivation, and the patron may present to it, if the clerk be not qualified.

When a clerk, having one benefice of the value

of 8*l.* per annum or above, in the King's books, takes a second of any value whatever, without a dispensation, the first is *ipso facto* void; and the patron is not to expect notice from the ordinary in this case, but may present as soon as his former clerk is instituted to another benefice: but the living does not lapse if the patron presents within six months after his former clerk's institution.

If a clerk hath one benefice with cure, under the value of 8*l.* per annum, and accept another above that value, without any dispensation, though he is not punishable by the statute, yet he may be deprived of the first by the canon law, and the patron may, if he please, present a clerk to the first benefice under value, so soon as his former clerk is instituted to a second; and if both patron and ordinary do by consent permit such a clerk to continue in possession, he is safe: the first living, before deprivation, cannot lapse either to the crown or ordinary.

It is not material of what value the second benefice is, or whether rated in the King's books or not; for the voidance will take place equally when the second benefice is under, as when it is above 8*l.* a year.

The sums at which two united benefices are valued in the King's books, must be taken as the valuation of one benefice; and if they amount together to 8*l.*, the united benefice will become *ipso facto* void upon the acceptance of another benefice without a previous dispensation.

FOR A DISPENSATION FOR A PLURALITY.

Nomination to a perpetual curacy, or petition of the patron to be himself licenced, with the evidence of title. Or,

Presentation to the second living, or petition of the patron to be himself admitted and instituted, with the evidence of title.

Letters of Orders of Deacon and Priest.

Two testimonials in writing, each subscribed by three beneficed clergymen, one for the archbishop of Canterbury, and the other for the bishop of the diocese who institutes to the second living, if he is not the patron, according to the following form :—

The one to the archbishop of Canterbury, is prefaced thus :—

To the Most Reverend Father in God, ———,
by Divine Providence Lord Archbishop of
Canterbury, Primate of all England, and
Metropolitan.

The other, for the bishop who institutes, thus :—

To the Right Reverend Father in God, ———,
by Divine permission Lord Bishop of ———.

We, whose names are hereunder written, testify and make known, that A. B, clerk, M. A., rector of A, in the county of ———, and presented [or to be collated *as the case may be*] to the vicarage of B., in the county of ———, and diocese of ———, having been &c. [*the rest is exactly the same as a testimonial for institution to a benefice*].

The testimonial for the archbishop of Canterbury, must be *countersigned* by the respective bishops of the dioceses in which each of the subscribers is beneficed, if they are not beneficed in his diocese, as also the testimonial for the bishop who institutes, if they are not beneficed in his diocese.

Certificate of his Master of Arts degree, under the hand of the registrar of the university, with a chaplainship registered in the Faculty Office, Doctors' Commons, if he is not the brother or son of a lord or knight, who have the privilege to hold a plurality. But if he hath taken the degree of doctor, or bachelor of divinity or law, then there need only a certificate thereof, as before shewn, being permitted (by 21 Henry VIII. c. 13) to hold two benefices with cure, which no Master of Arts can do without a chaplainship to some of the royal family, or to some lord or other person therein mentioned, who is entitled to have chaplains; and none under the degree of Master of Arts can have a plurality.

Certificate by two beneficed clergymen of the

diocese, of the distance of the two livings, and the reputed yearly values of both livings, addressed to the bishop of such diocese, in the following form :—

To the Right Reverend Father in God, ———,
by divine permission Lord Bishop of ———.

We, whose names are under written, being well acquainted with and accurately knowing the distance between the parishes of A. and B., both in the county of ———, and your lordship's diocese of ———, do hereby certify your lordship that the said distance does not exceed ——— * *measured* miles; and further we do hereby certify your lordship, that the reputed yearly value of the *rectory* of A. is ——— pounds or thereabouts, and the reputed yearly value of the *vicarage* of B. is ——— pounds or thereabouts.

Witness our hands, this ——— day of ———, in
the year of our Lord one thousand eight
hundred and ———.

E. F., Rector of ———.

G. H., Vicar of ———.

The distance of the second living from the first, by actual measurement, must not exceed forty-five miles.

The uniform practice is to go by computed

* If the word "measured" is omitted, the miles are considered *computed ones*.

miles, which commonly run in proportion of two computed to three *measured* miles.

This certificate is to accompany the two following ones, * when sent to the secretary, with his fee, to obtain the bishop's signature.

When the benefices are not in the same diocese, then there must be two certificates, videlicet:—one by two beneficed clergymen of each diocese, of the distance of the two livings, and the reputed yearly value of the living in the diocese to which they belong, addressed to the bishop of their respective dioceses.

And also two certificates from each bishop, each certifying to the Lord Archbishop of Canterbury, and to the Lord Chancellor, the value in the King's books, the reputed value of the living in his own diocese, and both of them the distance of the two livings.—See Forms in the Appendix, No. X.

* Two certificates from the bishop of the diocese, of the values in the King's books, the reputed yearly values, and the distance of such livings—one for the Archbishop of Canterbury, and the other for the Lord Chancellor, in the following form :—

The one for the Archbishop of Canterbury is prefaced thus :—

To the Most Reverend Father in God, —,
by Divine Providence Lord Archbishop of
Canterbury, Primate of all England, and
Metropolitan.

The other, for the Lord Chancellor, thus :—

To the Right Honorable the Lord High
Chancellor of Great Britain:

These are to certify, that A. B., clerk, M. A., rector of A., in the county of ———, and my diocese of ———, valued in the King's books at £——, the reputed yearly value being ——— pounds, or thereabouts, is * *presented* to the vicarage of B., in the same county and diocese, valued in the King's books at £——, the reputed yearly value being ——— pounds, or thereabouts; and that the distance between the said benefices does not exceed ——— measured miles, as I am credibly informed. Witness my hand this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

The secretary will supply the blanks from the *Liber Regis*, before he forwards the certificates to the bishop for signature.

Examination of his Learning and Abilities.—He must undergo an examination by the Archbishop of Canterbury's chaplain, with due regard to his qualifications, and be well able and sufficient to discharge his duties; if not exempted therefrom as being a doctor of divinity or law, or a public tutor in any college in either of the universities of Cambridge

* As in the testimonial.

or Oxford, or examining chaplain of some bishop ; in either of which cases he is to claim exemption, and solicit the favour of the Archbishop of Canterbury to excuse his attendance for examination, in the manner after shewn.

Certificate to the Archbishop of Canterbury, that he is in possession of one benefice only with cure of souls, in the following form :—

To the Most Reverend Father in God, ———,
by Divine Providence Lord Archbishop of
Canterbury, Primate of all England, and
Metropolitan.

I, the undersigned, A. B., clerk, M. A., being about to apply to your grace to grant a dispensation, that together with the rectory of A., in the county of ———, and diocese of ———; which I now possess, I may lawfully accept and hold the vicarage of B., in the same county and diocese, do hereby humbly certify, that I am not in possession of any other benefice with cure of souls, than the said rectory of A.; [*if exempt, here insert the claim of exemption,—*“ and I have to solicit the favour of your
“ grace to excuse my attendance upon your chap-
“ lain for examination for dispensation, on this
“ occasion, being a doctor in divinity, or as the
“ fact is].

Dated this ——— day of ———, in the year of our
Lord one thousand eight hundred and ———.

A. B., Rector of A.

Directions for Passing Dispensation.

The clerk being furnished with all his papers, he is to send the following documents, addressed to the archbishop of Canterbury, to the archbishop's secretary, at Lambeth Palace, *free of expence*, *videlicet*: Testimonial. Certificate that he is in possession of one benefice only with cure of souls. Certificate of the values and distance of the livings. His letters of orders of deacon and priest; and the certificate of his master of arts degree, with his chaplainship. And also a letter, requesting him to fix a time for his attendance at Lambeth Palace, to pass his examination, and to be informed thereof.

And that after good and due examination had of his qualities, according to the statute, he is to pay the secretary for the archbishop's fiat, and ask him for a note to take to the clerk in the Faculty Office, Doctors' Commons, (who makes out the dispensation on sight of the archbishop's fiat under hand first obtained), in order that he may execute the bond pursuant to the 41st and 47th canons of the Canons and Constitutions Ecclesiastical of this realm, made in the year 1603; and at the same time he must also pay the amount of stamps and fees of office for making out the dispensation, &c. And

lastly, he is to take the certificate addressed to the Lord Chancellor, to the clerk in the Dispensation Office, which is his instructions, and pay him the office fees thereon, and he will on receipt of the dispensation from the Faculty Office, procure the chancellor's confirmation under the great seal. After confirmation is procured, he may apply himself to the bishop of the diocese for institution, and not before, for the dispensation must be produced at the time of his admission to the second living.

The letters of orders and chaplainship, after having been exhibited to the archbishop, will be returned.

For a Second Dispensation.

It is indispensably requisite for a clerk who holds two benefices with cure of souls, by dispensation, to resign one of them before he accepts the third.

The documents, testimonials, certificates, and papers, for a second dispensation, are the same as for a first (except that the letters of orders of deacon and priest are not required to be exhibited a second time, and the omission of the certificate of being in possession of one benefice only with cure of souls), which are to be sent to the archbishop's secretary, at Lambeth Palace, in the manner before shewn, with a letter addressed to the archbishop of Canterbury, in the following form :—

— day of —, 1826.

My Lord,

A dispensation was granted in the year —, that I might lawfully accept and hold the vicarage of B., in the county of —, and diocese of —, together with the rectory of A., in the same county and diocese.

I have resigned the said rectory of A., and am presented to the rectory of C., in the county and diocese aforesaid.

Allow me, therefore, to solicit the favour of your grace to grant a dispensation, that I may lawfully accept and hold both the said benefices of B. and C. together, and excuse my attendance upon your chaplain for examination on this occasion, having before been examined for a dispensation.

And I hereby humbly certify, that I am not in possession of any other benefice with cure of souls than the said vicarage of B.

I have the honour to be,

My Lord,

Your Grace's most obedient
humble servant,

A. B.

To his Grace

The Archbishop of Canterbury.

The bond may be executed in the country by his naming two neighbouring clergymen for commissioners, to be named in a commission, for one of

them to see him execute and attest the due execution thereof; in which case it will be necessary to inform the archbishop's secretary, that he may instruct the clerk in the Faculty Office, Doctors' Commons, who makes out the dispensation, to forward the commission and bond to him for that purpose, and which are afterwards to be returned to the Faculty Office, Doctors' Commons.

FOR PETITIONS FOR LICENCES OF NON-RESIDENCE.

The residence must be in the Glebe House, if there be one belonging to the Benefice wherein he can reside; if not, it should be in the same parish, within the distance of two miles from the church or chapel.

The want of a house of residence is no excuse for the incumbent's residing out of the parish.

Licences for non-residence, where granted on the ground of there being *no* house, or *unfit* house for residence, are *exempt* from stamp duty.

The petition must be in writing, and signed by the incumbent.

*Petition by an Incumbent who performs the duties of
his parish.*

To the Right Reverend Father in God ———
by divine permission Lord Bishop of ———.
The humble petition of A. B., clerk, M. A.
Rector of ———, in the county of ———,
in your lordship's diocese.

Sheweth,

That your petitioner is desirous to obtain your lordship's licence of non-residence, on account of [here state the reasons applying to his case, as enumerated in section 15 of the act]; and pursuant to the direction of the act of Parliament (57th Geo. III., ch. 99), your petitioner hereby states that the duties of the said parish are performed by himself, who resides at ———, distant from the church of ——— not more than ——— miles: and your petitioner moreover states that the gross annual value of the said rectory of ———, in respect of which he petitions your lordship, is ——— pounds.

Your petitioner, therefore, humbly prays your lordship to grant him your licence of non-residence.

Witness his hand this ——— } A. B. Rector of —
day of ———, 1826. } (add address.)

Incumbents who desire to obtain a licence of non-residence in non-enumerated cases, are to petition the bishop, stating the circumstances of their

case with precision ; which licences are not valid except allowed and signed by the archbishop of the province.

Every incumbent who does *not* perform the duties of his benefice before he petitions for a licence of non-residence, must have a curate, approved and licenced by the bishop, for the due discharge of the duties thereof, in his absence. In case no curate is licenced for that purpose—

*Petition of an Incumbent who does not perform the
Duties of his Benefice.*

To the Right Reverend Father in God —, by divine permission Lord Bishop of —.

The humble petition of A. B. clerk D. D. rector of B., in the county of —, in your lordship's diocese.

Sheweth,

That your petitioner is desirous to obtain your lordship's licence of non-residence, on account of [*here state the reasons applying to his case, as enumerated in section 15 of the act*], and pursuant to the direction of the act of parliament (57th Geo. 3., ch. 99.), your petitioner hereby states that the duties of the said parish are performed by his curate, the reverend —, who is licenced, and to whom he allows the yearly stipend of — pounds, with the surplice fees, who resides at A., distant from the church of B. — miles ; that his said curate serves the church of C. as incumbent,

distant from A. ——— miles, and distant from the said church of B. ——— miles; and has not any other ecclesiastical preferment, and does not hold any donative, perpetual curacy, or parochial chapelry, and does not officiate in any other church or chapel; and your petitioner moreover states, that the gross annual value of the said rectory of B., in respect of which he petitions your lordship, is ——— pounds.

Your petitioner, therefore, humbly prays your lordship to grant him your licence of non-residence.

Witness his hand this ——— } A. B. rector of ———
day of ——— 1826. } (add address.)

See Act (57th Geo. 3., ch. 99). sec. 18.

When the ground of petition is,—

“The actual illness or infirmity of body of the incumbent, or any of his family,”—then there must be an affidavit of the medical attendant sent with the petition.—See form A.

“The unfitness of the Glebe House,”—then there must be a certificate of two neighbouring clergymen sent with the petition.—See form B.

“His occupying in the parish of his benefice, a mansion or messuage;”—if there be a house belonging to his benefice, a certificate of two neighbouring clergymen must also accompany the petition.—See form C.

A.—*Affidavit of Medical Attendant, before referred to.*

A. B., of ———, in the county of ———, doctor of medicine, maketh oath, and saith. That he hath been acquainted with the Reverend C. D., clerk, M. A., and rector of E., in the said county and diocese of ———; and hath attended upon him in his professional capacity for ——— past; and that he considers a temporary change of air and scene highly necessary to him for the recovery of his health, who is suffering from [*here state the nature of his illness.*]

Sworn at ———, aforesaid, } A. B.
the ——— day of ———, }
1828.

Before G. H.

A Master Extraordinary in Chancery.

B.—*Certificate, before referred to.*

To the Right Reverend Father in God, ———,
by divine permission Lord Bishop of ———.

We whose names are under written, do hereby certify that we have examined the ——— house of the parish of ———, in the county of ———, and your lordship's diocese; and we find it unfit for the residence of the incumbent, in consequence of [*here state the cause of such unfitness*]; and that, to the best of our belief, such unfitness has not been occasioned by the Reverend ———; the present incumbent. And further, that the said ——— house

and the other buildings belonging thereto, are kept in a good and sufficient state of repair. In witness whereof we have hereunto set our hands, this — day of —, in the year of our Lord one thousand eight hundred and —.

A. B. Rector of —.

C. D., Vicar of —.

C.—Certificate, before referred to.

To the Right Reverend Father in God —, by divine permission Lord Bishop of —.

We whose names are under written do hereby certify, that we have examined the — house of the parish of —, in the county of —, and your lordship's diocese, and the other buildings belonging thereto; and we found them kept in a good and sufficient state of repair. In witness whereof we have hereunto set our hands, this — day of —, in the year of our Lord one thousand eight hundred and —.

A. B., Rector of —.

C. D., Rector of —.

FOR NOTIFICATIONS OF RESIDENCE.

By reason of residence on another benefice, or other exemption under 57 Geo. 3., ch. 99, sec. 23.

I, the undersigned A. B., clerk, D. D., rector of A., in the county of ———, and diocese of ———, do hereby, according to the direction of the act of parliament (57th Geo. 3., ch. 99.), notify to the Right Reverend Father in God ———, by divine permission Lord Bishop of ———, that I was exempted from residence on my said rectory of A. during the year ———, [or during ——— months in the year, *as the fact is,*] in consequence of my residing, during that period, on my vicarage of C., in the county of ———, and diocese of ———. And I moreover state to your lordship, that the gross annual value of my said rectory amounts to ———, [or exceeds, or as the case may be] pounds. Witness my hand, this ——— day of ———, 1826.

A. B., Rector of A.

(*add address.*)

If the performance of any particular duties, or residence in any particular place, be the ground of exemption, it must be claimed by the person notifying. Such notification is to be given to the bishop annually, within six weeks after the first of January, so long as the cause of it exists.

See sections 10, 11, 12, 23, and 24, of the Act.

LIST OF STAMPS IMPOSED ON THE DIFFERENT INSTRUMENTS HEREIN MENTIONED.

	£.	s.	d.
AFFIDAVITS. —[required or authorized by law to be made before any Justice or Justices of the Peace, are exempt from stamp duty.] -	0	2	6
APPOINTMENT OF CHAPLAIN, —operating as a qualification to hold two ecclesiastical benefices -	2	0	0
BOND OF INDEMNITY -	1	15	0
—— RESIGNATION -	1	15	0
COLLATION by any archbishop or bishop to any ecclesiastical benefice, dignity, or promotion, of the yearly value of ten pounds or upwards in the King's books -	20	0	0
—— To any other ecclesiastical benefice, dignity, or promotion whatsoever -	10	0	0
DISPENSATION for holding two ecclesiastical dignities or benefices, or a dignity and a benefice, where either of them shall be above the yearly value of ten pounds in the King's books -	40	0	0
And in all other cases -	25	0	0

£. s. d.

DONATION by his Majesty, his heirs, or successors, or by any other patron, of any ecclesiastical benefice, dignity, or promotion, of the yearly value of ten pounds or upwards in the King's books - 20 0 0

— Of any other ecclesiastical benefice, dignity, or promotion whatsoever - - - - - 10 0 0

INSTITUTION granted by any archbishop, bishop, chancellor, or other ordinary, or by any ecclesiastical court; in and to any ecclesiastical benefice, dignity, or promotion.

Where the same shall proceed upon a presentation - - - - - 2 0 0

And where it shall proceed upon the petition of the patron to be himself admitted and instituted; if the benefice, dignity, or promotion, shall be of the yearly value of ten pounds or upwards in the King's books - - - - - 30 0 0

Or if the same shall be of any other description - - - - - 15 0 0

But such petition shall *not* be liable to any stamp duty.

LICENCE to be granted by any archbishop, bishop, vicar-general, or other competent authority, for non-re-

	£.	s.	d.
residence of any clergyman upon his living - - - - -	1	0	0
But where granted on the ground of there being <i>no house</i> , or, <i>no fit</i> house, for residence, are <i>exempt</i> from stamp duty.			
Where it shall proceed upon a no- mination to a perpetual curacy	2	0	0
NOMINATION by his Majesty, his heirs or successors, or by any other pa- tron, to any perpetual curacy -	1	10	0
NOTARIAL ACT upon a resignation -	0	5	0
POWER OF ATTORNEY to present -	1	10	0
PRESSENTATION by his Majesty, his heirs or successors, or by any other pa- tron, to any ecclesiastical bene- fice, dignity, or promotion, of the yearly value of ten pounds or up- wards in the King's books -	20	0	0
—— To any other ecclesiastical bene- fice, dignity, or promotion what- soever - - - - -	10	0	0
RESIGNATION.—Instrument of resigna- tion of any benefice, dignity, or promotion whatsoever -	1	15	0
—— of a chaplainship - - - - -	1	15	0

ANNO 57 GEO. III. CAP. 99.

AN ACT

To consolidate and amend the Laws relating to Spiritual Persons holding of Farms ; and for enforcing the Residence of Spiritual Persons on their Benefices ; and for the Support and Maintenance of Stipendiary Curates in England. [10th July 1817.]

Whereas an act passed in the twenty-first year of the reign of his Majesty King Henry the Eighth, intituled *An Act against Pluralities of Benefices, taking of Farms by Spiritual Men, and for Residence* ; and whereas another act passed in the twenty-eighth year of the reign of his said Majesty King Henry the Eighth, intituled *An Act for compelling Spiritual Persons to keep Residence upon their Benefices* : and whereas another act was passed in the thirteenth year of the reign of her Majesty Queen Elizabeth, intituled *An Act*

21 H. 8. c. 13.
28 H. 8. c. 13.
13 Eliz. c. 20.

- touching Leases of Benefices and Ecclesiastical Livings with Cure:* and whereas three several acts passed in the fourteenth, eighteenth, and
- 14 Eliz. c. 11. 18 Eliz. c. 11. 43 Eliz. c. 9. forty-third years respectively of the reign of her said Majesty Queen Elizabeth, for explaining and amending the said recited act of the thirteenth year aforesaid; and which were made perpetual by an act passed in the third year of the reign of his Majesty King Charles the First, intituled
- 3 C. 1. c. 4. *An Act for the Continuance and Repeal of divers Statutes:* and whereas another act was passed in the forty-third year of the reign of his present Majesty, intituled *An Act to amend the Laws relating to Spiritual Persons holding of Farms, and for enforcing the Residence of Spiritual Persons on their Benefices in England:* and whereas another act passed in the forty-third year of the reign of his present Majesty, intituled *An Act to rectify a Mistake in an Act made in this present Session of Parliament, intituled 'An Act to amend the Laws relating to Spiritual Persons holding of Farms, and for enforcing the Residence of Spiritual Persons on their Benefices in England, and to remove a Doubt respecting the Title of the Statute of the twenty-first year of King Henry the Eighth therein mentioned:'* and whereas an act was passed in the twelfth year of the reign of her late Majesty Queen Anne, intituled *An Act for the better Maintenance of the Curates within the Church of England, and for preventing any Ecclesiastical Persons from buying the next Avoidance of any Church*
- 43 G. 3. c. 84.
- 43 G. 3. c. 109.
- 12 Anne, Stat. 2, c. 12.

Preferment : and whereas an act was passed in the thirty-sixth year of the reign of his present Majesty, intituled *An Act for the further Support and Maintenance of Curates within the Church of England, and for making certain Regulations respecting the Appointment of such Curates, and the Admission of Persons to Cures augmented by Queen Anne's Bounty, with respect to the Avoidance of other Benefices* : and whereas another act passed in the fifty-third year of the reign of his present Majesty, intituled *An Act for the further Support and Maintenance of Stipendiary Curates* : and whereas doubts have arisen upon the construction of some of the provisions of the said acts ; and it is therefore necessary that such provisions of the said acts should be explained, and other provisions made, and that the several laws relating to spiritual persons holding of farms, and to buying and selling, and for enforcing of residence and the maintenance of stipendiary curates, should be consolidated in one act : may it therefore please your Majesty that it may be enacted ; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, that from and after the passing of this act, so much of the said several recited acts passed in the reign of his Majesty King Henry the Eighth, and so much of the said acts of the reign of her Majesty Queen Elizabeth,

Recited
acts repeal-
ed.

and of the said recited act of his Majesty King Charles the First, as relates to spiritual persons holding of farms, and to leases of benefices and livings, and to buying and selling, and to residence of spiritual persons on their benefices ; and also so much of the said recited act of her Majesty Queen Anne, and of the said recited act of the thirty-sixth year of the reign of his present Majesty, as relates to the maintenance of curates within the Church of England, and making provision for appointing stipends for such curates, and all the said several other recited acts passed in the reign of his present Majesty, shall be and the same are respectively hereby repealed.

Spiritual persons not to take to farm for occupation above eighty acres, without consent of the bishop, under penalty of 40s. per acre.

II. And be it further enacted, that from and after the passing of this act it shall not be lawful for any spiritual person having or holding any dignity, prebend, canonry, benefice, or any stipendiary curacy or lectureship, to take to farm, for occupation by himself, by lease, grant, words, or otherwise, for term of life or term of years, or at will, any lands, exceeding in amount in the whole eighty acres, for the purpose of occupying or using or cultivating the same, without the consent in writing of the bishop of the diocese in which such dignity, canonry, prebend, benefice, stipendiary curacy, or lectureship shall be locally situate, specially given for that purpose ; and every such permission to any spiritual person to take to farm, for the purpose of occupying the same, any greater quantity of land than eighty

acres, shall specify the number of years, not exceeding seven, for which the permission is given ; and every such spiritual person as aforesaid who shall, without such permission as aforesaid, take to farm any greater quantity of land than eighty acres, shall forfeit for every acre of land above the quantity of eighty acres so taken to farm, the sum of forty shillings for each and every year during or in which he shall so occupy, use, cultivate, or farm such land contrary to the provisions of this act, to be recovered by and to the use of any person who may inform and sue for the same.

III. And be it further enacted, that no spiritual person having or holding any dignity, prebend, canonry, benefice, stipendiary curacy, or lectureship, shall by himself, or by any other for him or to his use, engage in or carry on any trade or dealing for gain or profit, or deal in any goods, wares, or merchandize, by buying and selling for lucre, gain, or profit, in any market, fair, or other place, upon pain of forfeiting the value of the goods, wares, and merchandizes, by him, or by any to his use, bargained and bought to sell again contrary to the provisions of this act ; and that every bargain and contract so made by him, or by any to his use, in any such trade or dealing, contrary to this act, shall be utterly void and of none effect ; and the one half of every such forfeiture shall go to his Majesty, and the other half to him that will sue for the same.

No spiritual person beneficed, or performing ecclesiastical duty, shall engage in trade, or buy to sell again for profit or gain.

Not to extend to spiritual persons engaged in keeping schools, or as tutors, &c. in respect of any thing done, or any buying or selling in such employment; or to selling any thing bona fide bought for the use of the family; or occupying any glebe, &c.

IV. And be it further enacted, that nothing in this act contained in relation to being engaged in trade or dealing, or buying or selling, shall extend or be construed to extend to, or to subject to any penalty or forfeiture, any spiritual person for keeping a school or seminary, or acting as a schoolmaster or tutor or instructor, or being in any manner concerned or engaged in giving instruction or education for profit or reward, or for buying or selling, or doing any other act, matter, or thing in the conduct of, or carrying on, or in relation to the management of any such school, seminary, or employment; or to any spiritual person whatever, for the buying of any goods, wares, or merchandizes, or articles or things of any description, which shall, without fraud or covin, be bought, to the intent and purpose, at the buying thereof, to be used and employed by the spiritual person buying the same for his family or in his household, and after the buying of any such goods, wares, or merchandizes, or articles or things, the selling the same again, or any parts thereof, which such person may not want or choose to keep, although the same shall be sold at any advanced price beyond that which may have been given for the same; or for any buying or selling again for any lucre, gain, or profit of any manner of cattle or corn, or other matters or things whatever, necessary, proper, or convenient to be bought, sold, kept, or maintained by any spiritual person, or any

other person for him, or to his use, for the occupation, manuring, improving, pasturage, or profit of any glebe, domesne, farms, lands, tenements, or hereditaments, which may be lawfully held and occupied, possessed, or enjoyed by such spiritual person, or any other for him: or to his use: provided always, that nothing herein contained shall extend or be construed to extend to authorize any such spiritual person to sell any cattle or corn, or other matters or things as aforesaid, in person, in any market, fair, or place of public sale.

And be it further enacted, that from and after the passing of this act every spiritual person holding any benefice, who shall, without any such licence or exemption as is in this act allowed for that purpose, wilfully absent himself therefrom for any period exceeding the space of three months together, or to be accounted at several times in any one year, and make his residence and abiding at any other place or places except at some other benefice, donative, perpetual curacy, or parochial chapelry of which he may be possessed, shall, when such absence shall exceed such period as aforesaid, and not exceed six months, forfeit and pay one third of the annual value (deducting therefrom all outgoings, except any stipend paid to any curate) of the benefice, donative, perpetual curacy, or parochial chapelry from which he shall so absent himself as aforesaid; and when such absence

Penalty for
non-resi-
dence.

shall exceed six months, and not exceed eight months, one half of such annual value; and when such absence shall exceed eight months, two thirds of such annual value; and when such absence shall have been for the whole of the year, three fourths of such annual value, to be recovered by action of debt, bill, plaint, or information in any of his Majesty's courts of record at Westminster, or the courts of great sessions in Wales, wherein no essoign, privilege, protection, or wager of law, or more than one imparlance, shall be allowed; and the whole of every such penalty or forfeiture shall go and be paid to the person or persons who shall inform and sue for the same, together with such costs of suit as shall be allowed, according to the practice of the court in which such action shall be brought.

Where no house belonging to the benefice, &c. Residence within the limits of parish, &c. deemed legal residence.

VI. And be it further enacted, that every spiritual person having any benefice, and who shall not have any house of residence thereon, and who shall have resided nine months in the year within the limits of his benefice, or within the limits of the city, town, place, or parish in which his benefice may be situated, provided such last-mentioned residence be within the distance of two miles from the church or chapel of his benefice, shall not be liable to any penalties on account of non-residence, nor be obliged to take out any licence in respect thereof, but that the same shall be deemed a legal residence to all the intents and purposes of this act; and in all returns made by

the bishops, persons so residing shall be returned as resident.

VII. And whereas the governors of Queen Anne's Bounty have in some instances purchased and may hereafter purchase houses not situate within the parishes for which they are purchased, but so contiguous as to be sufficiently convenient and suitable for the residence of the officiating ministers thereof; be it therefore enacted, that such houses, having been previously approved by the bishop by writing under his hand and seal, and duly registered in the registry of the diocese, shall be deemed houses of residence appertaining to such benefices to all intents and purposes whatsoever.

Houses purchased by governors of Queen Anne's bounty, to be deemed residences

VIII. And be it further enacted, that in all cases of rectories having vicarages endowed, the residence of the vicar in the rectory house shall be deemed a legal residence to all intents and purposes whatever; provided that the vicarage house be kept in proper repair, to the satisfaction of the bishop.

Rectories having vicarages endowed.

IX. And be it further enacted, that it shall be lawful for the bishop, in every case in which there shall not be a house of residence belonging to any benefice within his diocese, to allow and adjudge any fit house within the limits of such benefice, and belonging thereto, or any fit house belonging thereto not within the limits, but so contiguous as to be sufficiently convenient for the purpose, to be the house of residence thereof; and

Power in the bishop to allow any fit house belonging to the preferment, to be a house of residence.

such allowances and adjudication in writing under the hand and seal of such bishop shall thereupon be registered in the registry of the diocese from time to time; and such house shall thereupon be deemed the house of residence for the time being to all intents and purposes whatsoever.)

Certain
persons
exempted
from penal-
ties for non-
residence,

X. And be it further enacted, that no spiritual person, being chancellor, vice-chancellor, or commissary of either of the universities of Oxford or Cambridge, or being warden, dean, provost, president, rector, principal, master, or other head ruler of any college or hall within the said universities, and no spiritual person having or holding any professorship, or any public readership in either of the said universities, being actually resident within the precincts of the university, and reading lectures therein; and no scholar under the age of thirty years, abiding for study without fraud at either of the said universities; and no chaplain of the King's or Queen's most excellent majesty, or of any of the King's or Queen's children, brethren, or sisters, during so long as he shall actually attend in the discharge of his duty as such chaplain in the household to which he shall belong; and no chaplain of any archbishop or bishop, or of any temporal lord of parliament, or of any other person or persons authorized by law to appoint any chaplain or chaplains during so long as such chaplain or chaplains shall abide and dwell and daily attend in the actual performance of his duty as such

chaplain in the household to which he shall so belong, and no spiritual person actually serving as a chaplain of the house of commons, or as clerk of his Majesty's closet, or as a deputy clerk thereof, or a clerk of the closet of the heir apparent, or as a deputy clerk thereof, or as a chaplain general of his Majesty's forces by sea or land, or chaplain of his Majesty's dock yards, while such spiritual person shall be actually attending and performing the duties of such office respectively; or as a chaplain in the household of any British ambassador residing abroad, during the time of his performing the duties of such his office; or as a chancellor or vicar-general, or as commissary, whilst exercising the duties of their offices respectively; or as an archdeacon while upon visitations, or otherwise engaged in the exercise of his functions; and no spiritual person being a minor canon, or vicar choral, or priest vicar, or any such other public officer, in any cathedral or collegiate church, during the times for which such spiritual person shall actually reside within the precincts of the cathedral or collegiate church to which he shall belong, or within the city or town in which the said cathedral or collegiate church is situate, or the suburbs thereof, and shall actually perform the duties of his office; or as a dean or subdean, or priest or reader, in any of his Majesty's royal chapels at Saint James's or Whitehall, or as a reader in his Majesty's private chapels at Windsor or elsewhere, whilst residing

and actually performing the duty of any such office respectively ; or as a preacher in any of the inns of court, or at the rolls ; or as bursar, treasurer, dean, vice-president, sub-dean, or public tutor or chaplain, or other such public officer, in any college or hall in either of the universities of Oxford or Cambridge, during the period for which he may respectively be required by reason of any such office, to reside and perform the duties of any such office, and actually shall reside and perform the duties of the same ; or as public librarian or public registrar or proctor, or public orator, or other such public officer, in either of the said universities, during the period for which he may respectively be required by reason thereof to reside and perform the duties of any such office, and actually shall reside and perform the duties of the same ; or as fellow of any college in either of the universities, during the time for which he may be required to reside by any charter or statute, and shall actually reside therein ; or as warden, provost, or fellow of Eton or Winchester college, or the master of the charter house, during the time for which he may be required so to reside, and shall actually reside therein respectively ; or within the city or town or suburbs of the city or town within or near to which the said colleges are respectively situate ; or as a master or usher in the said colleges of Eton or Winchester, or as a master or usher of Westminster school, or as principal or professor

of the East India College; or who shall be specially exempt from residence under the provisions of any act or acts of parliament not repealed by this act, shall be liable to any of the pains, penalties, or forfeitures in this act contained, for or on account of any non-residence, during any such period as aforesaid, on any benefice; but every such spiritual person shall, with respect to residence under this act, be entitled to account such period as if he had legally resided on some other benefice; any thing in this act contained to the contrary notwithstanding.

XI. And be it further enacted, that it shall be lawful for any spiritual person being dean, during such time as he shall reside upon his deanery, or being prebendary or canon, or holding any other dignity or dignities in any cathedral or collegiate church or churches, who shall reside any period not exceeding four months altogether within the year upon such dignity or dignities, to account such residence as if he had legally resided on some benefice: provided always, that it shall be lawful for any spiritual person having or holding any prebend, canonry, or dignity in any cathedral or collegiate church, in which the year for the purposes of residence is accounted to commence at any other period than the first of January, and who may keep the periods of residence required for two successive years at such cathedral or collegiate church, in whole or in part, between the first of January and the thirty-first of December

Dignitaries residing at cathedral churches for certain periods, exempted.

Provision for cases in which the year of residence at cathedrals commences at any other period than the 1st of January.

in any one year, to account such residence, although exceeding four months in the year, as reckoned from the first of January to the thirty-first of December, as if he had legally resided on some benefice; any thing in this act contained to the contrary notwithstanding.

Bishop may license for a longer period, if the duties of a cathedral require it.

XII. And be it further enacted, that it shall be lawful for the bishop of the diocese in which any benefice shall be locally situate to license any longer period of non-residence upon any such benefice of any prebendary, canon, or other person holding any dignity in any cathedral or collegiate church, in any case in which it shall appear to such bishop, from his own knowledge, if such cathedral or collegiate church is locally situate within his own diocese, or if not, by the certificate of the bishop of the diocese in which the cathedral or collegiate church shall be locally situate, to be required for the performance of any duties in any such cathedral or collegiate church; provided that every such spiritual person shall during such period reside on such prebend, canonry, or dignity.

Proviso for prebendaries, &c. appointed before this act.

XIII. Provided always, and be it further enacted, that no spiritual person appointed to any prebend, canonry, or dignity in any cathedral or collegiate church before the passing of this act, shall be subject to any penalty or forfeiture for non-residence upon any benefice during the period of his actually residing upon such prebend, canonry, or dignity.

XIV. And be it further enacted, that every **Persons** spiritual person having any house of residence ^{having house of} upon his benefice, who shall not reside thereon, ^{residence on their be-} shall, during such period or periods of non-resi- ^{nece to} dence, whether the same shall be for the whole ^{forfeit the} or part of any year, keep such house of residence ^{exemption,} in good and sufficient repair; and that every such ^{if house not} spiritual person who shall not keep such house ^{kept in re-} of residence in repair, and who shall not, upon ^{pair.} monition issued by the bishop of the diocese in which the same shall be locally situate, put the same in repair, according to the requisition of such monition, within the time specified therein, to the satisfaction of the bishop of the diocese, and to be certified to the bishop upon such survey and report as shall be required by the bishop in that behalf, shall be liable to all penalties for non-residence, notwithstanding any exemption or licence during the period of such house of residence remaining out of repair, and until the same shall have been put in good and sufficient repair, to the satisfaction of the bishop of the diocese.

XV. And be it further enacted, that from and ^{Bishop may} after the passing of this act it shall be lawful for ^{grant li-} any bishop, upon application made for that pur- ^{cences for} pose, by petition in writing, by any spiritual per- ^{non-resi-} son, or by any fit and proper person on behalf of ^{dence in} any spiritual person having or holding any bene- ^{certain} fice locally situated within his diocese, upon such ^{cases enu-} proofs as to any facts stated in any such petition ^{merated.}

as any such bishop may think necessary, and shall require by affidavit made before any ecclesiastical judge or his surrogate, or any justice of the peace or magistrate, or any master extraordinary in chancery (which oath any such ecclesiastical judge or surrogate or justice of the peace or magistrate, or master extraordinary in chancery, is hereby authorized and required to administer), to grant in such cases as are in this act enumerated, in which, upon due consideration of all the circumstances stated in any such application, and verified to the satisfaction of the bishop as aforesaid, such bishop shall in his discretion think it fit to grant the same, a licence in writing under his hand, expressing the cause of granting the same to such spiritual person to reside out of the parish, or out of the proper house of residence of his benefice, for the purpose of exempting such person from any pecuniary penalty or forfeiture in respect of any non-residence thereon; (that is to say), to any spiritual person who shall be prevented from residing in the proper house of residence, or in the parish, by any actual illness or infirmity of body of himself, or of his wife or child, making part of and residing with him as part of his family; and also to any spiritual person having or holding any benefice whereupon or wherein there shall be no house of residence, or where the house of residence shall be unfit for the residence of such spiritual person, such unfitness not being occasioned by any negligence, default,

or other misconduct of such spiritual person, and such spiritual person keeping such house of residence in repair to the satisfaction of the bishop; and also to any spiritual person having or holding any benefice, and occupying in the parish of the same respectively any mansion or messuage, to reside in such mansion or messuage, such spiritual person keeping the house of residence, and other buildings belonging thereto, in good and sufficient repair and condition, and producing to the bishop proof to his satisfaction, at the time of granting and renewing any such licence, of such good and sufficient state of repair; and also to any spiritual person having or holding any benefice of small value, and serving as a licensed stipendiary curate elsewhere, and providing for the serving of such his benefice, to the satisfaction of such bishop; and also to any master or usher of any endowed school duly licensed by the bishop, and actually employed in teaching therein; and also to any master or preacher of any hospital or incorporated charitable foundation during the period for which he may be required to reside by any charter or statute of any such hospital or incorporated charitable foundation, or by any other lawful authority in the same, and shall actually reside and perform his duties therein; or to any person holding any endowed lectureship, or endowed chapelry, or endowed preacher-ship, and performing and executing the duties thereof respectively, with the licence of the bishop

in whose diocese he shall so officiate ; or to any spiritual person having or holding any benefice of small value, and serving as preacher in any proprietary chapel, in any city or town, with the licence of the bishop in whose diocese he shall so officiate ; or to any spiritual person actually serving as chaplain in any of his Majesty's garrisons, or as chaplain to the royal military asylum at Chelsea, or royal military college at Sandhurst, or as teacher of the royal military academy at Woolwich, or as chaplain at either of the royal hospitals at Greenwich or Chelsea, or as chaplain to either of the royal hospitals for seamen at Haslar or Plymouth, or as chaplain to the naval asylum, or in his Majesty's navy, or as chaplain of his Majesty's gaol of Newgate, or of the Penitentiary at Milbank, or as chaplain of any British factory, or as principal surrogate or official in any ecclesiastical court of any diocese, or as a librarian of the British Museum, or of Sion College, or as one of the trustees of Lord Crewe's charity, during the time of personal attendance on the duties of such office respectively : provided always, that the spiritual person obtaining any such licence shall pay to the secretary or officer of the bishop the sum of ten shillings, exclusive of and over and above the stamp duty chargeable thereon, and no more : provided also, that if any spiritual person applying to any bishop for any such licence shall think himself aggrieved by the refusal thereof, it shall be lawful for such spi-

Fee for
licences.

Persons ag-
grieved
may appeal
to the arch-
bishop.

ritual person to appeal to the archbishop of the province, who shall forthwith, either by himself, or some commissioner or commissioners appointed from among the other bishops of his province, under his hand, make or cause to be made inquiry into the same, and by writing signed by himself confirm such refusal, or grant a licence under this act, as shall seem just and proper : Security to be given for payment of expences. provided always, that in every such case the spiritual person so appealing shall give security to this bishop for the payment of such reasonable expences occasioned by the appeal as the archbishop or his commissioner or commissioners shall award.

XVI. And be it further enacted, that it shall be lawful for any such bishop as aforesaid, in any cases not herein before enumerated, in which under all the circumstances of any such case such bishop shall think it expedient to grant to any spiritual person possessed of any benefice a licence to reside out of the parish, or out of the proper house of residence, as the case may be, or as the case may appear to such bishop to require, and to assign, in any case in which a stipendiary curate may be employed to do the duty of such spiritual person, such salary as he shall judge fit to appoint, due respect being had to the value of such benefice, and to all other circumstances of the case : and it shall also be lawful for any bishop, in case of the absence from the realm of any spiritual person, to grant any such

In cases not enumerated, bishops may grant licences, and assign salaries to curates employed.

Reasons for
granting
them to be
transmitted
to the arch-
bishop for
examina-
tion and al-
lowance.

licence without any application made for that purpose, and from time to time in any such case to renew any such licence as he shall think fit, and in every such case to appoint a stipendiary curate in case no curate duly licensed shall be then employed in serving such benefice, and to assign a salary to such curate; or if any curate shall have been and be then so employed, to assign any additional salary to such curate; and in every and any of such cases to cause such salaries to be paid by sequestration of the profits of the benefice: provided always, that in every such case respectively, the nature and special circumstances thereof, and the reasons that have induced such bishop to grant such licence as aforesaid, shall be forthwith transmitted to the archbishop of the province to which such bishop shall belong, who shall forthwith by himself, or by some commissioner or commissioners appointed for that purpose from among the bishops of such province, by writing under his hand, which commissioner or commissioners is and are thereupon authorized to take upon himself or themselves the execution of the said commission, examine into such case, and make such inquiries as to any particulars relating thereto, as such archbishop or commissioner or commissioners so appointed as aforesaid may think necessary; and after such inquiries made by himself, or where the same shall be made by such commissioner or commissioners, after a return of the substance

thereof in writing to such archbishop, such archbishop shall thereupon allow or disallow such licence in the whole, or in part, or make any alteration therein as to the period for which the same may have been granted or otherwise, and likewise as to the stipend assigned to the curate, as to such archbishop shall seem fit; and no such licence shall be good, valid, or effectual under this act, for any purpose whatever, unless it shall have been so allowed and approved by such archbishop, such allowance thereof being signified by the signing thereof by such archbishop: provided always, that it shall not be necessary in such licence to specify the cause of granting the same.

XVII. And be it further enacted, that no licence granted under this act shall be made void by the death or removal of the bishop granting the same, but the same shall be and remain good and valid, notwithstanding any such death or removal, unless the same shall be revoked by the next or any succeeding bishop, as the case may require.

Licences not to be void by the death or removal of the grantor unless revoked by the successor.

XVIII. And be it further enacted, that every application made by or in behalf of any spiritual person holding any benefice, donative, perpetual curacy, or parochial chapelry, to the bishop of the diocese, for any licence for non-residence, shall be in writing, and shall be signed by the person making the same, and shall state whether such spiritual person intends to perform the duty himself; and if he does, where and at what dis-

Every application for licence shall be in writing, and shall state certain particulars.

tance he intends to reside ; or if he intends to employ a curate, the application shall state what salary he proposes to give to his curate, and whether the curate proposes to reside or not to reside in the parish ; and if the curate intends to reside, then whether in the parsonage house ; and if he does not intend to reside in the parish, then the application shall state at what distance therefrom, and at what place such curate intends to reside ; and whether such curate serves any other parish as curate or incumbent, or has any ecclesiastical preferment, or holds any donative, perpetual curacy, or parochial chapelry, or officiates in any other church or chapel ; and such application shall also state the gross annual value of the benefice in respect of which any licence for non-residence shall be applied for ; and it shall not be lawful for the bishop to grant any such licence, unless the application shall contain a statement of the several particulars aforesaid ; and all such applications and specifications shall be kept and filed by the registrar of the diocese in a separate book, which shall be kept and preserved for that purpose ; and such book shall not be open to public inspection, or disclosed, or copies thereof made, except with the leave in writing of the bishop of the diocese.

By whom
licences
may be
granted
while a see
is vacant,

XIX. And be it further enacted, that during the vacancy of any see, the power of granting licences under this act, subject to the regulations therein contained, shall be exercised by the vicar

general of the diocese; or in case such circumstances shall arise as shall disable the bishop from exercising in person the functions of his office, it shall be exercised by such person or persons as is or are lawfully empowered to exercise his general jurisdiction in the diocese.

XX. And be it further enacted, that it shall be lawful for any bishop who shall have granted any licence for non-residence as aforesaid, or for any successor or successors of any such bishop, to revoke any such licence in any case in which it may appear to him or them proper and expedient to revoke the same: provided, that any spiritual person may appeal against any such revocation by the bishop, in like manner as is herein before directed in case of any refusal of any licence; provided also, that it shall be lawful for any archbishop to whom such appeal shall be made, to order and direct such reasonable fees and charges to be paid by any spiritual person appealing as aforesaid, in respect of any such proceedings as aforesaid, as he shall in his discretion think fit: provided also, that no licence for non-residence granted under this act shall continue in force for more than three years from the granting thereof, or after the thirty-first day of December in the second year after the year in which such licence is granted.

or the bishop absent, &c.

Licences may be revoked.

Fees may be ordered to be paid by appellants.

Limiting the time of licences.

XXI. And be it further enacted, that every bishop who shall grant or revoke any licence for non-residence under this act shall, and he is

Copies of licences or revocations to be filed in the re-

gistry of
the diocese,
and a list
kept for in-
spection ;

and copies
transmitted
to church-
wardens ;

and pub-
licly read
at the first
visitation.

hereby required, within one month after the grant or revocation of such licence, to cause a copy of every such licence or revocation to be filed in the registry of his diocese ; and an alphabetical list of such licences and revocations shall be made out by the registrar of such diocese, and entered in a book, and kept for the inspection of all persons, upon payment of the sum of three shillings and no more ; and a copy of every such licence with respect to any benefice shall be transmitted by the spiritual person to whom the licence is granted, to the churchwardens of the parish, township, or place to which the same relates, within one month after the grant of such licence ; and every bishop revoking any licence shall cause such revocation to be transmitted to the churchwardens of the parish, township, or place to which it relates, which copies shall be by them deposited in the parish chest ; and every registrar who shall neglect to enter the same shall forfeit for every neglect of entering any such licence or revocation in any such list the sum of five pounds, to be recovered by and for the use of any person who shall sue for the same, in like manner as any penalty may be recovered under the provisions of this act ; and a copy of every such licence or revocation shall likewise be produced by the churchwarden, and publicly read by the registrar or other officer at the visitation of the ecclesiastical district within which the benefice in respect whereof the licence shall have

been granted, or revocation made, shall be locally situate, immediately next succeeding the granting or revocation thereof.

XXII. And be it further enacted, that every archbishop who shall in his own diocese grant any licence, or who shall allow or approve, in manner directed by this act, any licence or licences in any case or cases not enumerated in this act, shall annually on or before the thirty-first day of January in each year transmit to his Majesty in council a list of all such licences so granted or allowed or approved respectively as aforesaid in the year ending on the last day of December preceding such thirty-first day of January, and shall in every such list specify the reasons which have induced him to grant, allow, or approve the said licences, together with the reasons transmitted to him by the bishops for granting any such licences in their respective dioceses; and it shall be lawful for his Majesty in council, by an order made for that purpose, to revoke and annul any such licence; and if his Majesty in council shall think fit so to do, such order shall be transmitted to the archbishop who shall have granted or allowed or approved such licence, who shall thereupon cause a copy of every such order, made in relation to any licence so allowed or approved, to be transmitted to the bishop of the diocese in which such licence shall have been granted; and such bishop shall cause a copy of the mandatory part of the order to be filed in the

A list of licences allowed by the archbishop, or granted in his own diocese, shall be annually transmitted to his Majesty in council, who may revoke licences, &c.

Licence
although
revoked
shall be
deemed va-
lid between
the grant
and revoca-
tion.

registry of such diocese, and a like copy to be delivered to the churchwardens of the parish to which the same relates, in manner hereinbefore directed as to revocation of licences under this act; and every such archbishop shall cause a copy of the mandatory part of every such order, made in relation to any such licence as aforesaid granted by him in his own diocese, to be in like manner filed in the registry of his diocese, and a like copy also to be delivered to the churchwarden of the parish to which such licence shall relate, in manner before mentioned: provided always, that after such licence shall have been so revoked by his Majesty in council, the same shall nevertheless, in all questions that shall have arisen or may thereafter arise touching the non-residence of the spiritual person to whom the same shall have been granted, between the period at which the same was granted or allowed or approved, and at the time at which the same shall be so revoked as aforesaid, be deemed and taken to be and to have been valid and effectual to all the intents and purposes of this act.

On or be-
fore 25th
March an-
nually a re-
turn shall
be made to
his Majesty
in council
of every be-
nefice, with
names of
residents

XXIII. And be it further enacted, that on or before the twenty-fifth day of March in every year a return or returns shall be made to his Majesty in council, by every bishop, of the names of every benefice within his diocese, or subject to his jurisdiction by virtue of this act, and the names of the several spiritual persons holding the same respectively who shall have resided,

and also the names of the several spiritual persons respectively who shall not have resided thereon by reason of any exemption under or by virtue of this act, or by reason of any licence granted by such bishop for any and what cause enumerated by this act, and also of all spiritual persons not having any such exemption or licence, who shall not have resided on their respective benefices, so far as the bishop is informed thereof; and also the names of all curates licensed to serve any benefice on which the incumbent is not resident, and whether the gross annual value of such benefice amounts to or exceeds three hundred pounds per annum or not, the amount of the curate's salary, and the place of his residence; and every spiritual person who shall be non-resident in any year subsequent to the passing of this act, by reason of residence on any other benefice, or of any exemption under this act, and to entitle him to which it is not necessary to obtain any licence under this act, shall, within six weeks from and after the first day of January in every following year, notify the same in writing under his hand to the bishop of the diocese to whose jurisdiction he is subject by this act, or otherwise, in respect of such benefice, specifying the nature of such exemption, and whether the gross annual value of the benefice on which he is non-resident amounts to or exceeds three hundred pounds per annum or not; and every spiritual person who shall have more

and non-residents, &c.

Non-residents by exemption without licence shall yearly notify to the bishop of the diocese within a certain period.

than one benefice, and who shall reside on one of them, or who shall reside during any period of the year on any dignity, or in the performance of the duties of any office in any cathedral or collegiate church, or who shall be non-resident for any period of the year on account of any of the causes of temporary exemption specified in this act, shall in like manner, and within the like period in each year, notify the same.

Persons neglecting to notify cause of exemption, to forfeit 20 l. recoverable by sequestration ;

with power of mitigation or remitting by the bishop.

Act not to exempt from censure for non-residence with-

XXIV. And be it further enacted, that every spiritual person who shall neglect to make such notification as by this act is directed within such period of six weeks as aforesaid, shall forfeit and pay for every such offence the sum of twenty pounds, to be levied, by order of the bishop of the diocese, by sequestration, if not otherwise paid, after monition to pay the same, out of the profits of the benefice in respect of which he shall neglect to make such notification, by the bishop of the diocese to whom the notification ought to be made, to be applied, as such bishop may direct, to useful and charitable purposes : provided always, that it shall be lawful for such bishop to remit or order the repayment of any part of any such penalty, in like manner as is allowed by this act in cases of non-compliance with an order for residence.

XXV. And be it further enacted, that nothing in this act contained shall extend or be construed to extend to exempt any spiritual person or persons from any canonical or ecclesiastical censures

or affect any proceedings that shall hereafter be instituted in any ecclesiastical court in order to cause the same to be inflicted, in relation to the non-residence of any spiritual person having or holding any benefice, who shall not have obtained a licence according to the provisions of this act to be absent therefrom, nor have any other lawful cause of absence : provided always, that no proceeding be admitted in any ecclesiastical court against any spiritual person for non-residence not exceeding three months in any one year, at the suit or instance of any person or persons other than the bishop only of the diocese within which the benefice in respect whereof such non-residence shall have taken place shall be locally situated ; any thing in any law or laws, or ecclesiastical canon or canons, to the contrary thereof notwithstanding.

XXVI. And be it further enacted, that in every case in which it shall appear to any such bishop as aforesaid, that any spiritual person, having or holding any benefice, and not being licensed according to this act to be absent therefrom, nor having any lawful cause of absence from the same, does not sufficiently reside on the same respectively, it shall be lawful for such bishop to issue or cause to be issued a monition to such spiritual person forthwith to proceed to and reside thereon, and perform the duties thereof ; and to make a return to such monition within a certain number of days after the issuing

out licence; but no censure for non-residence shall be in force, nor any proceedings be admitted, except at the suit of the bishop.

If any unlicensed person does not sufficiently reside, the bishop may issue a monition.

thereof, so as that in every such case there shall be thirty days between the time of delivering such monition to such spiritual person, or leaving the same at his then usual or last place of abode, or if not there to be found, with the officiating minister or one of the churchwardens, and also a copy thereof at the house of residence (if any such there be) belonging to such benefice, to which any such spiritual person shall be required by such monition to proceed and reside thereon, and at the time specified in such monition for the return thereto; and a copy of every such monition shall immediately on the issuing thereof be filed in the registry of such bishop's court, and shall be open for inspection on the payment of three shillings and no more; and the spiritual person to whom any such monition shall be sent under this act shall, within the time specified for that purpose, make a return thereto into such registry, to be there filed; and it shall be lawful for the bishop to whom any such return shall be made, to require such return or any fact contained therein to be verified by the oath of such spiritual person or others, to be taken before some surrogate or justice of the peace, or master extraordinary in chancery, which oath any such surrogate or justice of the peace, or master extraordinary in chancery, is hereby authorised and required to administer, on application being made for that purpose; and in every case where no such return shall be made, or

Returns to be made to monitions, which may be required to be upon oath.

Where return shall not be

where such return shall not state such reasons as shall be deemed satisfactory by such bishop for the non-residence of the spiritual person to whom such monition shall have been sent as aforesaid, or where the same or any of the facts contained therein shall not be so verified as aforesaid when the same shall have been required, then and in such case it shall be lawful for such bishop to issue an order in writing under his hand and seal, to require such person to proceed to and reside as aforesaid, within thirty days after such order in writing, or a copy thereof shall have been delivered or left in like manner as is hereinafore required as to monitions; and in case of non-compliance, it shall be lawful for such bishop to sequester the profits of such benefice of such spiritual person as aforesaid, until such order shall be complied with, or such sufficient reasons for non-residence stated and proved as aforesaid; and to direct, by any order to be made for that purpose under his hand, and filed as aforesaid, the application of such profits, after deducting the necessary expenses of serving the cure, either in the whole or in such proportion as he shall think fit, in the first place, to the payment of such reasonable expenses as shall have been incurred in relation to such monition and sequestration, and in the next place towards the augmentation or improvement of any such benefice, or the house of residence thereof, or any of the buildings and appurtenances thereof, or towards

made, or shall not be satisfactory, bishop may order residence, and if disobeyed, may sequester the profits of the benefice, and direct an application of the profit.

the improvement of any of the glebe or demesne lands thereof, or to order and direct the same or any portion thereof to be paid to the governors of the bounty of Queen Anne, for the augmentation of the maintenance of the poor clergy, to be applied for the purposes of such augmentation as such bishop shall in his discretion under all circumstances think fit and expedient; and it shall also be lawful for any such bishop, within six months after such order for sequestration, or within six months after any money shall have been actually levied by such sequestration, to remit to any such spiritual person any part or proportion of such sequestered profits, or cause the same or any part thereof that shall have been paid or directed to be paid to the governors of Queen Anne's bounty, to be repaid to such spiritual person; which repayment the said governors are hereby authorised and required, upon an order under the hand of any such bishop, to make out of any money then in their hands, or if no money shall then be in their hands, out of the next money that shall come to their hands, in any case in which, by reason of the subsequent obedience of any such spiritual person to any such monition or order, or the stating and proving such sufficient reasons as aforesaid, such bishop shall think the same proper: provided always, that when any such spiritual person shall think himself aggrieved by reason of any such sequestration issued by any bishop, it shall be lawful

Appeal
against se-
questration
may be
made to the
archbishop.

for such spiritual person, within one month after the making any order for any such sequestration as aforesaid, to appeal to the archbishop of the province to which such bishop shall belong, who shall forthwith, either by himself or some commissioner or commissioners appointed from among the bishops of his province for that purpose under his hand and seal, make or cause to be made due inquiry into the same, and make such order therein or relating thereto, or to the profits that shall be so sequestered as aforesaid, for the return to such spiritual person of the same or any part thereof, or otherwise, as shall under all the circumstances of the case appear to such archbishop (after such inquiry made by himself or by his commissioner or commissioners, and in the latter case, after the substance of such inquiry shall have been returned in writing to the said archbishop) to be just and proper : provided Appellant to give security for payment of the expences. always, that the party so appealing shall give security to the bishop for the payment of such reasonable expences occasioned by the appeal, as the archbishop or his commissioner or commissioners shall award : provided also, that no such order for any sequestration shall be put in force during such appeal as aforesaid, and until the same shall be determined.

XXVII. And be it further enacted, that every Persons who shall return to residence on monition shall spiritual person to whom any such monition or order in writing shall be sent as aforesaid under this act, who shall be at the time of the issuing

pay the costs.

thereof absent from residence in or upon his benefice contrary to the provisions of this act, but who shall in obedience to such monition or order forthwith return to due residence, and the profits of whose benefice shall by reason of such return not be sequestered, shall nevertheless pay all costs, charges, and expences incurred by reason of the issuing and serving such monition or order, to be levied as any costs may be levied upon any spiritual person by any bishop under any of the provisions of this act.

If any person returning to residence on monition shall, before six months thereafter, absent himself, the bishop may, without monition, sequester the profits of the benefice.

XXVIII. And, to the intent effectually to enforce *bona fide* residence according to the intent and meaning of such monition and order as aforesaid, be it further enacted, that if any spiritual person not licensed under this act to be absent from his benefice, nor having other lawful cause of absence from the same, who, after any such monition or order as aforesaid requiring his residence, and before or after any such sequestration as aforesaid, shall in obedience to any such monition or order have begun to reside upon his benefice, shall afterwards, and before the expiration of six months next after the commencement of such residence, without the leave of such bishop, wilfully in the judgment of such bishop absent himself from such benefice, it shall be lawful for such bishop, without issuing any other monition or making any other order, again to sequester and apply the profits of such benefice, as before directed by this act, for the

purpose of enforcing the residence of such spiritual person, according to the true intent of the original monition issued by such bishop as aforesaid ; and it shall be lawful for the bishop so to proceed in like cases from time to time as often as occasion may require ; provided that in each and every of such cases such spiritual person shall be entitled to appeal against such sequestration, in such manner and upon such terms as hereinbefore is and are mentioned touching appeals respecting sequestration, but nevertheless the same shall be in force during such appeal.

XXIX. And whereas it is expedient that bishops should be empowered summarily to punish past non-residence, as well as to compel residence in future ; be it therefore enacted, that in all cases in which any spiritual person shall have become subject to any penalty or forfeiture for non-residence, it shall be lawful for the bishop within whose diocese such penalty or forfeiture shall have arisen, to proceed against such spiritual person for such past non-residence, and to levy the penalties incurred thereby by monition and sequestration, and to direct the application thereof in like manner and subject to the same regulations, and with like powers of remitting or ordering the repayment of any part of such penalties, as is directed or allowed in cases of non-compliance with any order for residence.

XXX. And be it further enacted, that in every case in which any archbishop or bishop shall

Bishops
empowered
to punish
past non-
residence.

Penalties,
for the re-
covery of.

which monition has been issued, may be remitted by the bishop; and special returns made of the reasons for such remission.

think proper, under all the circumstances, after proceeding by monition for the recovery of any penalty under this act of more than one third of the value of any benefice, for any non-residence exceeding six months in the year, to remit the whole or any part of any such penalty, such archbishop shall forthwith transmit to his Majesty in council, and such bishop shall transmit to the archbishop of the province to which he belongs, a list of such cases as have occurred in his or their respective dioceses, specifying the nature and special circumstances of each case, and the reasons for the said remission, in the same manner as is directed in relation to the licences for non-residence granted in non-enumerated cases; and it shall thereupon be lawful for his majesty in council, or for the said archbishop, as the case may be, to allow or disallow such remission in whole or in part, in the same manner as is provided in this act with relation to the allowance or the disallowance of licences for non-residence: provided always, that the decision of the said archbishop, with respect to cases transmitted to him from any such bishop, shall be final.

XXXI. And be it further enacted, that if the benefice of any spiritual person shall continue for the space of two years under any sequestration made under the provisions of this act for disobedience to the bishop's monition requiring such spiritual person to reside on his benefice, or shall

under the provisions of this act incur three such tions within
 sequestrations in the said space of two years, the that period,
 spiritual person not being relieved with respect the benefice shall
 to any of such sequestrations upon appeal, the become
 benefice, in relation to non-residence upon which void.
 such sequestration shall have been made shall
 become *ipso facto* void; and the bishop of the
 diocese shall thereupon give notice thereof to the
 patron or person entitled to present, who shall
 thereupon present or nominate some clerk thereto
 other than the spiritual person whose benefice
 shall have so continued under such sequestration,
 or who shall have incurred such sequestrations
 as aforesaid, as if the same had been avoided by
 the natural death or resignation of such spiritual
 person.

XXXII. And be it further enacted, that all Contracts
 contracts or agreements made for the letting of for letting
 the house of residence, or the buildings, gardens, houses in
 orchards, and appurtenances necessary for the which any
 convenient occupation of the same, belonging to spiritual
 any benefice, to which house of residence any persons
 spiritual person shall be required by order of the shall by
 bishop as aforesaid to proceed and to reside order of the
 therein, or which shall be assigned or appointed bishop be
 as a residence to any curate by the bishop, shall required to
 upon a copy of such order, assignment, or ap- reside, shall
 pointment being served upon the occupier thereof be void.
 or left at the house, be null and void; and a copy
 of every such order, assignment, or appointment
 shall immediately on the issuing thereof be trans-

mitted to one of the churchwardens of the parish, or such other person as the bishop shall think fit, and be by him forthwith served on the occupier of such house of residence, or left at the same : and any person continuing to hold any such house of residence, or any such building, garden, orchard, or appurtenances, after the day on which the said spiritual person shall be directed by such order to reside in such house of residence, or which shall be specified in any such assignment or appointment, and after service of such copy as aforesaid, or the same being so left as aforesaid, shall forfeit the sum of forty shillings for every day he shall, without the permission of the bishop in writing for that purpose obtained, wilfully continue to hold any such house, building, garden, orchard, or appurtenances, together with the expence of serving such order, in case it shall have been deemed necessary specially to serve such order, to be allowed by the bishop issuing the order or making such assignment or appointment as aforesaid, and to be recovered and applied in like manner as the penalties for non-residence are directed to be recovered and applied by the provisions of this act; and it shall also be lawful for the spiritual person so directed to reside as aforesaid, or curate to whom any such residence is assigned, to apply to any justice of the peace or magistrate of the county, riding, province, city, or place, for a warrant for the taking possession thereof; and

Any person holding possession after the day appointed shall be subject to penalty.

the justice of the peace to whom any such order for such possession is produced shall and he is hereby required thereupon to give a warrant for such possession, and possession may thereupon be taken of such house under such warrant at any time in the day time, by entering the same by force, if necessary, without any other proceeding by ejectment or otherwise; any thing in any act or acts of parliament or law or laws to the contrary notwithstanding.

XXXIII. Provided always, and be it further enacted; that no spiritual person shall be liable to any penalties for not residing in any such house of residence, during such time as such tenant shall continue to occupy such house of residence or other buildings necessary to the occupation of the same. Not liable to penalty while the tenant shall continue to occupy.

XXXIV. And be it further enacted, that from and after the passing of this act, no oath shall be required of or taken by any vicar in relation to residence on his vicarage; any law, custom, constitution, or usage to the contrary thereof notwithstanding. No oath relating to residence shall be required of any vicar.

XXXV. And be it further enacted, that no penalty or forfeiture shall be recovered by any proceeding or action against any spiritual person under the provisions of this act, other or further than those which such spiritual person may have incurred during the year ending on the thirty-first day of December immediately preceding the commencement of such proceeding or action. Penalties not recoverable for more than one year.

Penalties not levied under monition may be recovered by action. XXXVI. And be it further enacted, that every penalty for non-residence under this act, in respect of which no proceeding shall have been had by monition before the first day of April next after the year in which the same shall have been incurred, may be recovered by action or suit in the manner by this act directed.

Actions for penalties not to be commenced before 1st May after expiration of the year. XXXVII. And be it further enacted, that no action of debt, bill, plaint, or information against any spiritual person, for the recovery of any penalties and forfeitures under this act, shall be commenced or filed in any of his Majesty's Courts of Record at Westminster, or the Court of Great Sessions in Wales, until the first day of May after the expiration of the year in which the alleged offence shall have taken place.

Commencement and conclusion of the year. XXXVIII. And be it further enacted, that for all the purposes of this act the year shall be deemed to commence on the first day of January, and be reckoned therefrom to the thirty-first day of December, both inclusive.

Calendar months to be taken for the purposes of this act. XXXIX. And be it further enacted, that for all the purposes of this act the months therein named shall be taken to be calendar months, except in any case in which any month or months are to be made up of different periods less than a month, and in every such case thirty days shall be deemed a month.

No action to be commenced for any penal- XL. And whereas, notwithstanding the regulations contained in this act, spiritual persons may through inadvertence, and in many cases

from unavoidable circumstances and causes, be-
 come subject to penalties and forfeitures and
 vexatious prosecutions, unless provision is made
 for the prevention thereof : be it therefore enact-
 ed, that from and after the passing of this act,
 no writ shall be sued out against, nor any copy
 of any process at the suit of any informer be
 served upon any spiritual person, for any penalty
 or forfeiture incurred under any of the provisions
 of this act, until a notice in writing of such in-
 tended writ or process shall have been delivered
 to him, or left at the usual or last place of his
 abode, and also to the bishop of the diocese, by
 leaving the same at the registry of his diocese,
 by the attorney or agent for the party who in-
 tends to sue or cause the same to be sued out,
 or served one calendar month at the least before
 the suing out or serving the same ; in which no-
 tice shall be clearly and explicitly contained the
 cause of action which such party hath or claimeth
 to have, and the penalty or penalties for which
 such person intends to sue, and on the back of
 which notices respectively shall be endorsed the
 name of such attorney or agent, together with
 the place of his abode ; and no such notice shall
 be given before the first day of April in the year
 next after any such penalty or penalties shall
 have been incurred.

XLL. And be it further enacted, that no plain-
 tiff shall recover any verdict against any spiritual
 person for any penalty or forfeiture under the

ty, until
 after one
 calendar
 month's
 notice
 given to the
 defendant
 and bishop
 of diocese.

Plaintiff
 not to re-
 cover with-
 out proof

made that such notices were given. provisions of this act, unless it is proved upon the trial of such action that such notices were respectively given as aforesaid; but in default thereof such spiritual person shall recover a verdict with double costs.

No evidence to be given but such as is contained in the notices. XLII. And be it further enacted, that no evidence shall be permitted to be given by the plaintiff, on the trial of any such action as aforesaid, of any cause of action, except such as is contained in the notices hereby directed to be given.

Spiritual person may by leave pay into Court, before issue joined, such sum as he shall think fit. XLIII. And be it further enacted, that it shall be lawful for any spiritual person against whom any action shall be brought for any penalty or forfeiture under the provisions of this act, by leave of the court in which such actions shall depend, any time before issue joined, to pay into court such sum of money as he shall see fit: whereupon such proceedings, orders, and judgments shall be had, made, and given in and by such court, as in other actions where the defendant is allowed to pay money into court.

The Court in which any action shall be depending, may require the diocesan to certify the reputed annual value of benefices, &c. XLIV. And be it further enacted, that the court in which any action, bill, plaint, or information shall be depending for the recovery of any penalty or forfeiture for non-residence under this act, may and shall, upon application made for that purpose, require, by rule or order of the said court or any judge thereof, the bishop of the diocese within the limits of which the benefice shall be locally situate, or to whom the same shall be subject according to the provisions of

this act, for or by reason of non-residence in, at, or upon which the penalties and forfeitures shall be sought to be recovered by such action, bill, or information, to certify in writing under his hand to the said court, and also to the party for that purpose named in the said rule or order, the reputed annual value of such benefice; and upon such rule or order being left with such bishop, or the registrar of such bishop, such bishop shall accordingly certify such reputed annual value; and such certificate shall, in all subsequent proceedings upon such action, bill, plaint, or information, be received and taken as evidence of the annual value of such benefice; for the purposes of this act; without prejudice nevertheless to the admissibility or effect of any such other evidence as may be offered or given respecting the actual value thereof.

XLV. And be it further enacted, that it shall be lawful for any spiritual person to whom any licence for non-residence shall have been granted, and against whom any action shall be brought for any penalty or forfeiture by reason of any non-residence, or any matter or thing relating whereto any such licence under this act has been granted, to plead such licence in bar of any such action; and if the plaintiff in such suit or action shall discontinue any such suit or action after any plea of licence shall have been pleaded thereto under this act, then and in such case the defendant in such suit or action shall have full costs of

Licence may be pleaded in bar of action; and in case of nonsuit, &c. the defendant shall have double costs.

suit ; and if in any such suit or action a verdict shall be given for the defendant, or the plaintiff shall become nonsuit, the defendant shall have double costs, and have the like remedy for the same as any defendant hath in other cases to recover costs by law ; and it shall be lawful for the court, or any judge of the court in which any suit or action shall be commenced, upon any application made in that behalf, to order and direct, if such court or judge shall deem it expedient so to do, that the plaintiff in any such suit or action shall give security for the payment of such costs, and that all proceedings in any such suit or action shall be staid until such security shall be given as to the court or judge to whom any such application shall be made shall seem fit.

If at the time of filing any monition no action shall have been commenced, none shall be afterwards brought, &c.

XLVI. Provided always, and be it further enacted, that if at the time of filing any monition requiring any spiritual person to reside on his benefice, or to recover the penalties incurred by past non-residence, no notice of any action for any such penalty or forfeiture shall have been already given in manner aforesaid, then and in such case no such action, suit, bill, plaint, or information shall be afterwards brought for any penalty or forfeiture incurred by reason of any non-residence of such spiritual person before the issuing of such monition, or during any proceedings that may be had under such monition ; and if any such action or suit shall be so commenced, the defendant therein may plead in bar thereof,

that such a monition as aforesaid has issued in respect of the same benefice; and such defendant, unless upon application to the court the same shall be dispensed with, shall, upon pleading such matter, file or cause to be filed an affidavit in the said court, thereby stating the period specified in such monition, and that, according to the belief of the defendant, the bishop who has issued or caused such monition to be issued is proceeding upon the said monition, to the intent to make the same effectual to the intents and purposes of this act, otherwise such plea shall not be good or available in the law.

XLVII. And be it further enacted, that no penalty or costs incurred by any spiritual person by reason of any non-residence on his benefice, shall be levied by execution against the body of any such person, whilst he shall hold the same or any other benefice out of the profits of which the same can be levied by sequestration within the term of three years; and in case the body of any such spiritual person shall be taken in execution for the same, the court in which the same was recovered, or any judge thereof, may and shall, upon application made for that purpose, discharge the person from such execution, in case it shall be proved to the satisfaction of such court that such penalty and costs can be le-

No penalty to be levied against the person where it can be recovered by sequestration within three years.

further enacted, that if any Non-resident incumbent of any benefice, who does

Non-resident incumbent's neg-

lecting to
appoint cu-
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appoint.

not or shall not actually reside thereon nine months in each year (unless such person shall do the duty of the same, having a legal exemption from residence, or a licence to reside out of the same, or to reside out of the parsonage house or vicarage house, or other usual house of residence belonging to the same), shall for a period exceeding three months absent himself from his benefice, without leaving a curate duly licensed or other spiritual person to perform, and who shall duly perform the ecclesiastical duties of such benefice, or shall for the period of three months after the death, resignation, or removal of any curate who has served his church or chapel, neglect to notify such death, resignation, or removal to the bishop of the diocese, or to nominate to the bishop of the diocese a proper curate, then and in every such case, and in every case in which no curate shall be nominated to the bishop for the purpose of being licensed by him within such period as aforesaid, the bishop is hereby authorised to appoint and license a proper curate, with such salary as by this act is allowed and directed, to serve the church or chapel of the parish or place in respect of which such neglect or default shall have occurred : provided always, that the licence shall in every case specify whether the curate is required to reside within the parish or place or not ; and if the curate is permitted by the bishop granting the licence to reside out of the parish or place, the

grounds upon which the curate is so permitted to reside out of the parish or place shall be specified in the said licence, and the distance of the residence of any curate from any church or chapel which he shall be licensed to serve shall not exceed five statute miles, except in cases of necessity, to be approved by the bishop, and specified in the licences.

XLIX. And be it further enacted, that in every case where a curate is appointed to serve a benefice upon which the incumbent is non-resident for more than three months in the year from exemption, licence, or otherwise, such curate shall be required by the bishop to reside within the parish; provided the gross value of such benefice amounts to three hundred pounds a year or upwards, and the population amounts to three hundred persons or upwards, or provided the population amounts to one thousand persons or upwards, whatever may be the value of such benefice: provided always, that whenever it shall be made out to the satisfaction of such bishop, that from special and peculiar circumstances great inconvenience would arise from such curate being compelled to reside within the parish, it shall be lawful for the bishop to allow such curate to reside in some near and convenient place: provided also, that the licence to be granted to such curate shall specify the special circumstances which have induced the bishop to allow such residence out of

Curate to
reside on
all benefices above
300*l.* a
year, &c.
except under special
circumstances.

the parish, and shall be entered and filed in the registry of the diocese.

If duty be inadequately performed, the bishop may appoint curate.

L. And be it further enacted, that whenever it shall appear to the satisfaction of any bishop, either of his own knowledge, or upon proof by affidavit laid before him, that by reason of the number of churches or chapels belonging to any benefice locally situate within his diocese, or the distance of such churches or chapels from each other, or the distance of the residence of the spiritual person serving the same from such churches or chapels, or any or either of them, or the negligence of the spiritual person holding the same, that the ecclesiastical duties of such benefice are inadequately performed, such bishop may by writing under his hand require the spiritual person holding such benefice to nominate to him a fit person or persons, with sufficient stipend or stipends, to be licenced by him to perform or to assist in performing such duties, specifying therein the grounds of such proceeding; and if such spiritual person shall neglect or omit to make such nomination for the space of three months after such requisition so made as aforesaid, then and in every such case it shall be lawful for such bishop to appoint a curate or curates, as the case shall appear to such bishop to require, with such stipend or stipends as such bishop shall think fit to appoint, not exceeding in any case in the whole the stipends allowed to curates by this act, nor, except in the case of negligence, exceeding

one-half of the gross annual value of the benefice, although the spiritual person to whom such churches or chapels shall belong shall actually reside or serve the same : provided always, that such requisition, and any affidavit made to found the same, shall be forthwith filed by the bishop in the registry of his court : provided also, that it shall be lawful for any such spiritual person, who shall think himself aggrieved by any such appointment of such curate or curates, to appeal to the archbishop of the province to which such bishop shall belong, in such and the like manner, and under such provisions and directions, as are allowed to any spiritual person thinking himself aggrieved by any sequestration issued by any bishop.

LI. And be it further enacted, that in all cases ^{Bishops} where the bishop of the diocese shall deem it ^{may enforce per-} proper to enforce the performance of morning ^{formance of church} and evening service on Sundays, or any other ^{service} service required by law in any parish church or ^{both morn-} parochial chapel, or the chapel of any extra pa- ^{ing and} rochial place, it shall be lawful for such bishop to enforce the same by monition and sequestration, to be issued in the manner by this act provided.

LII. And be it further enacted, that every ^{Statement} bishop to whom any application shall be made ^{of particu-} for any licence for a curate to serve for any per- ^{lars neces-} son not duly residing upon his benefice, shall, ^{sary to be} before he shall grant such licence, require a state- ^{given by} ^{persons ap-} plying for a

licence for
a curate.

ment of all the particulars by this act required to be stated by any person applying for a licence for non-residence; and it shall not be lawful for any bishop to grant a licence to any curate to serve the church or chapel of any person as aforesaid, upon any such application as aforesaid, until a statement of all such particulars as aforesaid shall have been delivered to him; and such statement shall be kept and filed and preserved from public inspection, and disclosed only in like manner and in such cases as is before directed as to statements of persons applying for licences for non-residence.

Bishops
shall ap-
point sala-
ries to cu-
rates.

LIII. And be it further enacted, that it shall be lawful for the bishop, and he is hereby required, subject to the several provisions and restrictions in this act contained, to appoint to every curate such salary as is allowed and specified in this act; and every licence to be granted to a stipendiary curate under this act shall contain and specify the amount of the salary allowed by the bishop to the curate; and such licence, or any copy of the registry thereof, signed by the registrar of the diocese or his deputy, shall be evidence of the amount of the salary so appointed to any curate in all courts of law or equity; and in case any difference shall arise between any rector or vicar or person holding any benefice, and his curate, touching such stipend or allowance, or the payment thereof, or of the arrears thereof, the bishop, on complaint to him made,

may and shall summarily hear and determine the same ; and in case of wilful neglect or refusal to pay such stipend, salary, or allowance, or the arrears thereof, he shall be and is hereby empowered to proceed by monition and sequestration to sequester the profits of the benefice for and until payment of such stipend or allowance or the arrears thereof : provided always, that the curate obtaining any such licence shall pay to the secretary or officer of the bishop the sum of one pound, exclusive of any stamp duty which may be chargeable thereon ; which said sum of one pound shall be in remuneration of all and every fee or fees now demandable by the said secretary or officer for obtaining such licence, or for the signature of any declaration by the said curate in consequence of such licence, or of any certificate of such curate having signed such declaration ; and provided also, that from and after the passing of this act, as often as any person shall be licensed to two or more curacies within the same diocese at one and the same time, it shall be sufficient for such person to sign one declaration only, appointed to be signed by an act intituled *An Act of Uniformity* ; and also that it shall be sufficient for such person to produce one certificate only of his having so signed such declaration before the bishop of the diocese.

LIV. And be it further enacted, that it shall be lawful for the bishop to appoint for the curate any stipend or allowance not exceeding seventy-
Stipends to curates of incumbents before July

20, 1813,
not to ex-
ceed cer-
tain rates,
except in
cases of
neglect.

five pounds per annum, and also the use of the house of residence, with the gardens and stables belonging thereto, or a further sum of fifteen pounds in lieu of the use of the rectory or vicarage house; or other houses of residence, in case there shall be no house, or it shall not appear to the bishop convenient to allot or assign the house to the curate, in respect of any benefice to which the spiritual person holding the same was instituted or appointed before the twentieth day of July one thousand eight hundred and thirteen; but it shall not be lawful for the bishop to assign any greater stipend or allowance than aforesaid, in respect of any such benefice, during the incumbency of any such spiritual person as aforesaid, unless with the consent of the spiritual person holding the benefice, or in case of neglect to appoint or to nominate to the bishop a proper curate.

The salaries
payable to
curates, to
be in pro-
portion to
the value
and popu-
lation of
the bene-
fices.

LV. And be it further enacted, that in every case in which any spiritual person shall have been, after the twentieth day of July one thousand eight hundred and thirteen, or shall hereafter be instituted or inducted, or nominated or appointed to, or otherwise become incumbent or possessed of any benefice, and shall not duly reside thereon, unless such person shall do the duty of the same, having a legal exemption from residence, or a licence to reside out of the same, or to reside out of the parsonage or vicarage, or other usual house of residence belonging to the

same, the bishop shall appoint for the curate licensed to serve such benefice of such non-resident incumbent or person as aforesaid, in his absence, such salary as is hereinafter next mentioned ; (that is to say), such salary shall in no case be less than eighty pounds per annum, or than the annual value of the benefice, if the gross value thereof shall not amount to eighty pounds per annum ; and such salary shall not be less than one hundred pounds per annum, or than the whole value as aforesaid, if the said value shall not amount to one hundred pounds per annum in any parish or place where the population, according to the returns then last made in pursuance of any act or acts of parliament, shall amount to or exceed three hundred persons ; and such salary shall not be less than one hundred and twenty pounds per annum, or the whole value as aforesaid, if the said value shall not amount to one hundred and twenty pounds per annum, in any parish or place where the population shall appear as aforesaid to amount to or to exceed five hundred persons ; and such salary shall not be less than one hundred and fifty pounds per annum, or than the whole value as aforesaid, if the said value shall not amount to one hundred and fifty pounds per annum, in any parish or place where the population shall appear as aforesaid to amount to or to exceed one thousand persons : provided always, that the annual value of all benefices of which the value, esti-

mated as is herein provided, does not amount to one hundred and fifty pounds per annum, shall be estimated from the returns made by the bishops of the several dioceses to the governors of Queen Anne's bounty ; or from any future returns which may be made by the said bishops to the said governors respecting parishes or places omitted in the said returns ; or respecting parishes or places in the actual income of which it shall be made appear to the bishops that any considerable variation has taken place, either by augmentation made by the said governors or otherwise.

Where the
benefice ex-
ceeds 400*l*.
an allow-
ance may
be made to
curate of
100*l*. per
annum, &c.

LVI. And be it further enacted, that in any parish or place where it shall appear to the satisfaction of the bishop that the actual annual income of the benefice, clear of all deductions, exceeds the sum of four hundred pounds per annum, it shall be lawful for the bishop to assign to the curate of such parish or place, being resident within the same, and serving no other cure, a salary or allowance of one hundred pounds per annum, notwithstanding the population of such parish or place may not appear as aforesaid to amount to three hundred persons ; and that in any parish or place where the actual annual income shall appear to exceed four hundred pounds as aforesaid, and where the population shall also appear as aforesaid to amount to or exceed five hundred persons, it shall be lawful for the bishop to assign to the curate of such parish or place,

being resident within the same, and serving no other cure, any larger stipend or allowance, so that the same shall not exceed by more than fifty pounds per annum the amount of the stipend or allowance hereinbefore respectively required to be assigned to any such curate.

LVII. And be it further enacted, that in every case in which it shall be made out to the satisfaction of the bishop of any diocese, that any spiritual person holding any benefice is or has become non-resident or incapable of performing the duties thereof from age, sickness, or other unavoidable cause, and that from these or from any other special and peculiar circumstances of the case great hardship or inconvenience would arise if the full amount of salary specified in this act should be allowed to the curate; then and in such case it shall be lawful for such bishop to assign to the curate any such salary less than the said full amount in this act specified, as shall under all the circumstances appear to him just and reasonable: provided always, that in the licence granted in every such case it shall be stated, that for special reasons the bishop hath not thought proper to assign to the curate the full amount of salary allowed or required to be assigned by this act: provided also, that such special reasons shall be entered fully and at large in a separate book to be kept for that purpose, and to be deposited in the registry of the diocese, which book shall not be open to inspection un-

Smaller salaries to be allowed to curates in certain cases.

less with the leave of the bishop or by other proper authority, as in the cases of application for licences for non-residence.

Salary of curate engaged to serve interchangeably at different places belonging to the same incumbent.

LVIII. And be it further enacted, that if any incumbent of two or more benefices, residing *bond fide*, in different proportions of each and every year, on some or one other of such benefices, the full period specified by this act, shall employ a curate to perform ecclesiastical duty interchangeably from time to time upon such of the benefices from which he shall be absent during his own actual residence upon any other thereof, then and in such case it shall be lawful for the bishop to assign to any such curate any salary not exceeding such salary as would be allowed under this act for the largest of such benefices, nor less than would be allowed for the smallest, as to the bishop shall under all the circumstances appear just and reasonable: provided always, that if any such incumbent shall employ a curate or curates for the whole year upon each or any of such benefices, such incumbent so residing *bond fide* as aforesaid, then and in such case it shall be lawful for the bishop to assign to either or each of such curates any such salary less than the amount specified in this act, as he shall think fit.

Spiritual persons not to serve more than two churches in

LIX. And be it further enacted, that from and after the passing of this act no spiritual person shall serve more than two churches in one day, or two chapels, or one church and one chapel, in

one day, unless from the local situation of the one day, churches or chapels, or from the value of the except in certain benefices to which they belong, or other special cases, and causes, it may in the judgment of the bishop be licence for that purpose from the bishop. expedient or necessary, for the performance of ecclesiastical duties in such places, to grant licence to any spiritual person to serve three churches or chapels, then and in such case it shall be lawful for the bishop to grant such licence to any spiritual person to serve three churches or chapels, not being distant from each other more than four measured miles : provided always, that in every such case the reasons for granting such licence shall be stated by the bishop in the licence granted for serving the third of such churches or chapels held by such spiritual persons, and such licence shall not be valid or effectual unless the reasons for granting the same are inserted therein as aforesaid : provided always, that the residence of such curate or spiritual person shall be so placed as that it shall not be necessary for him to travel more than sixteen measured miles in one day for the performance of the duties of such churches or chapels.

LX. And be it further enacted, that in every such case where any bishop shall find it necessary or expedient, for the obtaining any proper performance of ecclesiastical duties, to license any person holding any benefice to serve as curate of any adjoining or other parish or place, it shall be lawful for such bishop to appoint, for

How the salaries shall be adjusted where the curate is permitted to serve in an adjoining parish.

such spiritual person so licensed, a salary less by a sum not exceeding thirty pounds per annum than the salary which in the several cases in this act specified the bishop is required to assign and appoint : and in every case where the bishop shall find it necessary or expedient as aforesaid to license one and the same person to serve as curate for more than one parish or place, it shall be lawful for such bishop to direct, that during such time as such curate shall serve such churches or chapels, the salary to be received by him for serving each of the said churches or chapels, shall be less by a sum not exceeding thirty pounds per annum than the salary which in the several cases hereinbefore mentioned the bishop is required by this act to assign and appoint.

Agree-
ments for
salaries to
curates
contrary to
this act,
void.

LXI. And be it further enacted, that all agreements and contracts made or to be made between persons holding benefices and their curates, in fraud or derogation of the provisions of this act, and all agreements and contracts whereby any curate shall undertake or in any manner bind himself to accept or be content with any stipend or salary less than that which shall be stated to be allowed in any licence of such curate, shall be void to all intents and purposes in the law whatsoever, and shall not be set up, pleaded, or given in evidence in any court of law or equity ; and notwithstanding the payment and acceptance, in pursuance of any such contract or agreement, of any sum less than the sum specified in

the licence of such curate, or any receipt, discharge, or acquittance that may be given in cases of such payment and acceptance, the curate or his personal representatives shall be and remain entitled to the full amount of what shall remain unpaid of the stipend, salary, or allowance specified in his licence; and the payment of what shall so remain unpaid shall, together with treble costs of recovering the same, be enforced by motion, on proof of what shall so remain unpaid to the satisfaction of the bishop, and by sequestration of profits of the benefice, to be issued by the bishop for that purpose: provided that the application of the curate shall in every such case be made to the bishop within twelve months after he shall have quitted his curacy, or by the representative of any curate within twelve months after his death: and provided also, that no sequestration shall by virtue of this act affect the profits of any benefice beyond the time during which the benefice shall be held by the person liable to make the payment in respect of which such profits shall be sequestered.

LXII. And be it further enacted, that in every case in which any bishop shall appoint for any curate a salary equal to the whole annual value of such benefice, such salary shall be subject to deduction in respect of all such charges and outgoings as may legally affect the value of such benefice, and to any loss or diminution which may lessen such value, without the wilful default

Curate's salary, if of the value of the benefice, shall be liable to certain charges.

or neglect of the spiritual person holding the benefice.

The bishop to allow the rector, &c. to deduct from curate's salary, for repairs, to a limited amount, in certain cases.

LXIII. And be it further enacted, that it shall be lawful for the bishop, upon the application of any rector, vicar, or spiritual person holding any benefice, the whole profit or income of which shall have been allotted to the curate, to allow such rector, vicar, or spiritual person to deduct and retain therefrom, in any or each year, so much money, not exceeding in any case one-fourth part of such profits or income, or of the salary assigned to the curate, as shall have been actually laid out and expended during the year in the repair of the chancel, parsonage, vicarage, or other house of residence, and premises and appurtenances thereto belonging, in respect of which such rector, vicar, or person as aforesaid, or his executors, administrators, or assigns, would be liable for dilapidations to the successors; and it shall also be lawful for the bishop, in like manner, to allow any rector, vicar, or spiritual person aforesaid, having or holding any benefice the profits or income of which shall not exceed one hundred and fifty pounds per annum, to deduct and retain from the salary allotted to the curate, in each or any year, so much money as shall have been actually laid out and expended in such repairs as aforesaid over and above the amount of the surplus remaining of such profits or income after payment of the salary allotted to the curate, so that

the sum so deducted, after laying out such surplus, shall not in any year exceed one fourth part of the salary allotted to the curate.

LXIV. And be it further enacted, that it shall be lawful for the bishop who shall grant any licence to any curate to serve any church or chapel where the rector or vicar or person holding any benefice is not resident for four months in each year, to allot, if he shall think fit, for the residence of such curate, the parsonage or vicarage house, or usual house of residence of the person holding the benefice, with the offices, stables, gardens, and appurtenances thereto belonging; if there shall be any such house of residence belonging thereto, or any part or parts thereof, during the time of such curate's serving the cure, or during the non-residence of such rector or vicar, or spiritual person; and it shall be lawful for the bishop assigning any such house or residence to any curate, to sequester the profits of the benefice to which the house shall belong, in any case in which possession shall not be given up to the curate, and until such possession shall be given, and to apply or direct the application of the profits arising from such sequestration, or to remit the same or any part thereof, as the bishop shall in his discretion think fit.

Curates may be directed to reside in parsonage house, in case of non-residence of incumbents.

LXV. And be it further enacted, that in every case where the bishop shall appoint, for the curate licensed to serve any benefice, a salary not less than the whole gross annual value of the

Curates to pay taxes of parsonage houses in certain cases.

same, and shall, in addition to such salary, direct that such curate shall reside in the parsonage or vicarage house, or usual house of residence of the spiritual person holding such benefice, such curate shall be liable, during his serving such cure, to the same taxes and parochial rates and assessments, in respect of such house and the appendages thereof of which he may so be in occupation, as if he had been instituted or inducted or nominated or appointed to the said benefice.

Bishop may direct the curate to give up possession of parsonage.

LXVI. And be it further enacted, that it shall be lawful for the bishop at any time, upon three months notice in writing, to direct any such curate to deliver up any such parsonage or vicarage house or usual house of residence, and the offices, stables, gardens, and appurtenances thereto belonging, and such curate shall thereupon peaceably deliver up the possession of the said premises, pursuant to such notice; and in case any such curate shall refuse to deliver up such premises, he shall forfeit and pay to the rector or vicar, or spiritual person holding the benefice, the sum of forty shillings for every day of such wrongful possession, to be recovered by such rector or vicar or spiritual person by action of debt in any court of record at Westminster, as any penalties may be recovered for non-residence under this act.

Rector, &c. shall not dispossess curate of

LXVII. And be it further enacted, that it shall not be lawful for the rector or vicar or other person holding any benefice, in any case

in which the parsonage or vicarage, or usual house without order of the bishop, house of residence shall have been assigned to the curate as a residence, to dispossess such curate, and three months notice to curate : or take possession thereof, until the permission of the bishop shall have been given in writing for that purpose, and three months notice of such his intention to the curate, who shall thereupon quit the same according to such notice ; and every curate who shall reside in the house of residence of any benefice which shall become vacant, shall quit such house of residence within three months after the institution to a vacant benefice, or appointment of any spiritual person thereto, &c. upon being required so to do by the spiritual person instituted or appointed, and having one month's previous notice at the least given to him to quit such house of residence.

LXVIII. And be it further enacted, that no Curate not to quit curacy assigned him without three months notice to the incumbent and bishop, under a certain penalty. curate shall quit any benefice to which he shall be licensed, until after three months notice of his intention to quit given to the person holding such benefice, and to the bishop of the diocese, unless with the consent of the bishop of the diocese, upon pain of forfeiting to the spiritual person holding the benefice a sum not exceeding the amount of his stipend for six months, at the discretion of the bishop, which sum may in such case be retained out of the stipend, if the same or any part thereof shall remain unpaid ; or if the same cannot be retained out of the stipend, may be recovered by the spiritual person holding the

benefice, as any penalty or forfeiture under this act may be recovered.

Bishop may **LXIX.** And be it further enacted, that it shall
license cu- be lawful for the bishop of the diocese to license
rates em- any curate who is or shall be actually employed
ployed by the rector, vicar, or other incumbent of any
without no- church or chapel, although no express nomination
mination, of such curate shall have been made to such
revoke any bishop by the said rector, vicar, or other incum-
licence, and bent; and that the bishop shall have power to
remove cu- revoke summarily and without process any li-
rate, sub- cence granted to any curate employed in his dio-
ject to ap- cese, or subject to his jurisdiction by virtue of
peal to the this act, and to remove such curate for any cause
archbishop. which shall appear to such bishop to be good and
 reasonable; subject nevertheless to an appeal to
 the archbishop of the province, and to be deter-
 mined in a summary manner.

Licence to **LXX.** And be it further enacted, that every
curates, bishop who shall grant or revoke any licence to
and revoca- any curate under this act shall and he is hereby
tions of, required to cause a copy of such licence or revo-
such li- cation to be entered in the registry of the diocese
cences, to within which the benefice in respect whereof any
be entered such licence shall be granted or revocation made
in the re- shall be locally situate; and an alphabetical list
gistry of of such licences and revocations shall be made
the diocese, out by the registrar of each diocese and entered
 in a book, and kept for the inspection of all per-
 sons, upon payment of the sum of three shillings
 and no more; and a copy of every such licence

and revocation with respect to any benefice shall be transmitted by the said registrar to the churchwardens or chapelwardens of the parish, township, or place to which the same relates, within one month after the grant of such licence or revocation thereof, to be by them deposited in the parish chest; and every registrar who shall refuse or neglect or omit to make any such entry, or to transmit any such copy, shall forfeit for every such offence or neglect the sum of five pounds, to be recovered as any penalty or forfeiture may be recovered under this act: provided always, that every such registrar shall, for every such copy transmitted to such churchwardens or chapelwardens as aforesaid, be entitled to demand and have from such churchwardens or chapelwardens a fee of ten shillings and no more; and such fee shall be allowed in the accounts of such churchwardens or chapelwardens.

LXXI. And be it further enacted, that all the powers, authorities, provisions, regulations, penalties, forfeitures, clauses, matters, and things in this act contained in relation to bishops in their dioceses, shall extend and be construed to extend to the archbishops in the respective dioceses of which they are bishops, and also in their own peculiar jurisdictions, as fully and effectually as if the archbishops were named with the bishops in every such case.

LXXII. And be it further enacted, that in all cases wherein the term benefice is used in this

Clauses relating to bishops to apply to archbishops in their diocese.

Definition of the term benefice.

act, the said term shall be understood and taken to mean benefices with cure, and no others, and to comprehend therein, for the purposes of this act, all donatives, perpetual curacies, and parochial chapelries.

Power of archbishops and bishops as to benefices, &c. exempt or peculiar, locally situate within their provinces;

and also as to benefices, &c. situate in more than one province, or between the limits of two.

LXXXIII. And be it further enacted, that every archbishop and bishop, within the limits of whose province or diocese respectively any benefice, respectively, exempt or peculiar, shall be locally situate, shall have, use, and exercise all the powers and authorities necessary for the due execution by them respectively of the provisions and purposes of this act, and for enforcing the same with regard thereto respectively, as such archbishop and bishop respectively would have used and exercised if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop; and where any benefice, exempt or peculiar, shall be locally situate within the limits of more than one province or diocese, or where the same or any of them shall be locally situate between the limits of the two provinces, or between the limits of any two or more such dioceses, the archbishop or bishop of the cathedral church, to whose province or diocese the parish church of the same respectively shall be nearest in local situation, shall have, use, and exercise all the powers and authorities which are necessary for the due execution of the provisions of this act, and enforcing the same with regard thereto respectively, as such

archbishop or bishop could have used if the same were not exempt or peculiar, but were subject in all respects to the jurisdiction of such archbishop or bishop respectively, and the same, for all the purposes of this act, shall be deemed and taken to be within the limits of the province or diocese of such archbishop or bishop, provided that the peculiars belonging to any archbishopric or bishopric, though locally situate in another diocese, shall continue subject to the archbishop or bishop to whom they belong, as well for the purposes of this act as for all other purposes of ecclesiastical jurisdiction.

LXXIV. And be it further enacted, that in every case in which jurisdiction is given to the bishop of the diocese, or to any archbishop, under the provisions of this act, and for the purposes thereof, and the enforcing the due execution of the provisions thereof, all other and concurrent jurisdiction in respect thereof shall wholly cease, and no other jurisdiction in relation to the provisions of this act shall be used, exercised, or enforced, save and except such jurisdiction of the bishop and archbishop under this act; any thing in any act or acts of parliament, or law or laws, or usage or custom to the contrary, notwithstanding.

LXXV. And be it further enacted, that in all cases where proceedings under this act are directed by monition and sequestration, such monition shall issue under the hand and seal of

Peculiars shall be subject to the archbishop or bishop to whom they belong.

In every case in which jurisdiction is given to bishop, &c. all concurrent jurisdiction to cease.

Monitions and sequestrations.

the bishop, and being duly served shall be returned, with a certificate of service, into the registry of the consistorial court of such bishop; and thereupon it shall be competent for the party monished to shew cause by affidavit or otherwise, as the case may require, against the sequestration issuing; and unless sufficient cause be shown to the contrary, the sequestration shall issue under the seal of the said consistorial court, and in such form as is commonly used on that behalf.

Penalties to
be recover-
ed by mo-
nition and
sequestra-
tion.

LXXVI. And be it further enacted, that it shall be lawful for the bishop of any diocese in which any spiritual person shall hold any dignity or benefice, or shall serve as stipendiary curate, to recover any penalty incurred under this act, in a summary way, by monition and sequestration, to be issued in the manner by this act directed, with the like powers and authorities, and subject to the like restrictions in respect to the remission and repayment of such penalty, as are by this act particularly provided in respect to penalties for non-residence : provided always, that no spiritual person against whom any such proceeding shall have been had by any bishop for the recovery of any penalty, shall thereafter be subject to any action at law by any informer or other person for the recovery of any penalty for the same offence in respect of which such proceeding shall have been so had by the bishop as aforesaid.

Recovery of
fees, &c.

LXXVII. And be it further enacted, that any

fees, charges, costs, or expences incurred or directed to be paid by any spiritual person under the provisions of this act, which shall remain unpaid for the period of twenty-one days after demand thereof in writing delivered to or left at the usual or last place of abode of the spiritual person liable to the payment thereof, may be recovered by monition and sequestration, to be issued in the manner directed by this act.

LXXVIII. Provided always, and be it further enacted, that none of the provisions of this act shall extend or be construed to extend to render void or invalid, before the thirty-first day of December next, any licence or exemption which would have been otherwise valid and effectual, nor to require any licence to be taken before the said thirty-first day of December next, which would not have been required by law before the passing of this act.

Act not to invalidate licences before 31st Dec. nor to require any licence before that time.

LXXIX. And be it further enacted, that no commission issued by any bishop to any commissary or commissaries appointed to administer the oaths required to be taken by any curate for the purpose of any licence or licences granted under the provisions of this act shall be subject to any stamp duty; any thing contained in any act or acts of parliament to the contrary notwithstanding.

Commission to administer oaths not to be subject to stamp duty.

LXXX. And be it further enacted, that nothing in this act contained shall extend or be construed to extend to alter or affect his Majesty's royal prerogative

Act not to affect his Majesty's prerogative

in granting dispensation. prerogative in the granting of dispensations for non-residence upon benefices, as the same now exists by law.

Parsonage without cure of souls not deemed a benefice. **LXXXI.** And be it further enacted, that no parsonage that hath a vicar endowed, or that hath a perpetual curate, and having no cure of souls, shall be deemed or taken to be a benefice within the intent and meaning of this act.

No archbishop shall be liable to the penalties for non-residence. **LXXXII.** And be it further enacted, that no archbishop or bishop having or who shall have any benefice shall by reason of non-residence upon the same be subject or liable to any penalties or forfeitures: provided always, that any archbishop or bishop who shall hold any benefice *in commendam* with his archbishopric or bishopric, shall nominate and appoint a resident curate, according to the provisions of this act.

Not to affect powers of bishops; **LXXXIII.** And be it further enacted, that nothing in this act contained shall be deemed, construed, or taken to derogate from, diminish, prejudice, alter, or affect, otherwise than is expressly provided, any powers, authorities, rights, or jurisdiction already vested in or belonging to any archbishop or bishop under or by virtue of any statute, canon, usage, or otherwise howsoever.

nor the due celebration of divine service. **LXXXIV.** And be it further enacted, that nothing in this act contained shall extend or be construed to extend to repeal or alter the provisions contained in any act of parliament, or any other provision of law, for the due celebration of

divine service in any church or chapel, or for the discharge of any other duty of any rector or vicar, or person holding any benefice, by himself or his curate.

LXXXV. And be it further enacted, that no Act not to extend to provision in this act contained shall extend or Ireland be construed to extend to that part of the united kingdom called Ireland.

APPENDIX.

No. I.

BOND WHERE A CLERK IS BOUND AT HIS INSTITUTION.

Know all men by these presents, that we A. B., of —, in the county of —, clerk, M. A. and C. D., of —, in the same county, gentleman, are held and firmly bound to the Right Reverend Father in God —, by divine permission Lord Bishop of —, in the penal sum of —, of good and lawful money of Great Britain, to be paid to the said — Lord Bishop of —, or his certain attorney, executors, successors, or assigns, for which payment to be well and truly made, we bind ourselves and each of us, jointly and severally, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals, dated the — day of —, in the — year of the reign of our Sovereign Lord George the —, by the grace of God of the

United Kingdom of Great Britain and Ireland,
King, Defender of the Faith, and in the year
of our Lord one thousand eight hundred
and —.

Whereas the rectory and parish church of —, in the county of —, and diocese of —, became vacant by the death of E. F., clerk, B. D., the last incumbent there, and the above bounden A. B. was upon such vacancy presented thereto by G. H., of —, in the county of —, esquire. And whereas a caveat hath been duly entered with the registrar of the diocese against institution being granted to the said rectory and parish church of —, on behalf of J. K., of —, in the county of —, esquire. And whereas the above named right reverend father in God, — lord bishop of —, hath, at the special instance and request of the above bounden A. B. consented to admit and institute him in and to the said rectory and parish church. In consideration of the above bounden A. B. and C. D. having mutually agreed to enter into the above written obligation to defend, save, and keep harmless him the said —, lord bishop of —, and his successors, and all his officers and ministers, and every of them, from all manner of persons whatsoever having or pretending to have any right, title, or interest, in or to the said rectory and parish church of —, or in the patronage thereof, for this present vacation. Now therefore the condition of the above written obligation is

such, that if the said A. B. and C. D., and each of them, and their and each of their heirs, executors, and administrators, do and shall from time to time, and at all times hereafter, at their or his own proper costs and charges, well and sufficiently defend, save, and keep harmless, the said — lord bishop of —, and his successors, and all his officers and ministers, and every of them, and his and their and every of their lands and tenements, goods and chattels, of, from, and against all and all manner of actions, costs, suits, losses, damages, expences, claims, and demands whatsoever, which he, they, or any of them shall or may suffer, sustain, expend, or be put unto, for or on account of the admission, institution, and mandate for the induction of the said A. B. into the said rectory and parish church of —, or for or touching or concerning any other matter or thing in anywise relating thereto: And if it shall hereafter happen that any person or persons other than the said alleged patron, have or hath any right, title, or interest in or to the said rectory and parish church, or patronage thereof, for this present vacation, for or by reason of any advowson, gift, grant, or by any other lawful means whatsoever, in such sort that the patronage thereof shall be evicted by order of the laws of this realm; that then and in such case the said A. B. shall immediately, after lawful request to him in that behalf to be made by the said — lord bishop of —, or his successors, resign the said rectory and parish church of — into the hands

of the ordinary of the diocese for the time being :
Then this obligation to be void and of none effect,
or else to stand and remain in full force and virtue.

Signed, sealed, and delivered,

by the above named A. B.

and C. D. in the presence of

L. M., of &c.

N. O., of &c.

A. B. (Seal.)

C. D. (Seal.)

No. II.

BOND TO RESIGN A LIVING.

Know all men by these presents, that I, C. D.,
of —, in the county of —, clerk, M. A.,
am held and firmly bound to A. B., of —,
in the county of —, esquire, in the penal
sum of —, of good and lawful money of
Great Britain, to be paid to the said A. B., or
his certain attorney, executors, administrators,
or assigns, for which payment to be well and
truly made, I bind myself, my heirs, executors,
and administrators, firmly by these presents,
sealed with my seal, dated the — day of
—, in the — year of the reign of our
Sovereign Lord George the —, by the grace
of God, of the United Kingdom of Great Britain

and Ireland, King, Defender of the Faith, and in the year of our Lord one thousand eight hundred and —.

Whereas the abovenamed A. B. by his presentation, bearing even date with and duly executed immediately before these presents, hath presented the above bounden C. D. to the rectory and parish church of —, in the county of —, and diocese of —, vacant by the death of E. F., clerk, D. D., the last incumbent there, he the said C. D. having previous to and before the executing of the said presentation, and in consideration thereof, proposed and agreed absolutely to relinquish and resign the said rectory, with all its rights, members, and appurtenances, and all his interest therein, within the time and in such manner as hereinafter is mentioned and expressed. Now the condition of the above written obligation is such, that if the above bounden C. D. do and shall, from time to time, and at all times hereafter, reside upon the said rectory during so long as he shall continue the rector, and faithfully and diligently perform and discharge the duties thereof, and do and shall within six months after notice to him in that behalf, to be made in writing by the said A. B., his heirs, executors, or administrators, resign in due manner the said rectory and parish church of —, with all its rights, members, and appurtenances thereunto belonging, into the hands of the bishop or guardian of the spiritualties of the diocese, and shall procure such

resignation to be accepted, in order that G. H., son of the said A. B., of —, may be presented to the said rectory and parish church of —, when he shall be capable of taking upon him the holy order of priesthood, and be admitted, instituted, and inducted into the same church, discharged of all charges and incumbrances done or suffered by him the said C. D.; and also that if the said C. D. do and shall keep the parsonage house, and the other buildings and offices belonging thereto, in a good and substantial repair, and shall not commit or suffer, or cause to be committed or suffered, any waste or dilapidations upon the glebe lands, fences, hereditaments, and premises, with the appurtenances thereunto belonging, during so long as he the said C. D. shall continue the rector of the said rectory and parish church of —; then this obligation to be void, or otherwise to remain in full force.

Signed, sealed, and delivered,	}	C. D. (Seal).
by the said C. D., in the		
presence of		
J. K., of &c.		
L. M., of &c.		

No. III.

CHAPLAINSHIP TO A BISHOP.

To all to whom these presents shall come, —, by divine permission bishop of —, sendeth greeting :

Know ye that we the said —, bishop of —, for and in consideration of the learning, good life, and sincere religion of A. B., clerk, M. A., and rector of —, in the county of —, have admitted, constituted, and appointed, and by these presents do admit, constitute, and appoint him the said A. B., one of our domestic chaplains, that he may by virtue hereof have and enjoy all and singular the privileges, benefits, immunities, and advantages whatsoever given and granted to the chaplains of the bishops and peers of this realm, according to the form of the statute in that case made and provided: in testimony whereof we have hereunto affixed our seal which we use in this behalf to these presents, and have subscribed the same this — day of —, in the year of our Lord one thousand eight hundred and —, and in the — year of our consecration.

No. IV.

LETTER OF ATTORNEY TO PRESENT ON THE FIRST AVOIDANCE OF A LIVING.

Know all men by these presents, that I, A. B., of —, in the county of —, esquire, patron of the rectory and parish church of —, in the county of —, and diocese of —, now in the possession of C. D., clerk, B. D., the present incumbent thereof, have made, ordained, authorised, consti-

tuted, and appointed, and by these presents do make, ordain, authorise, constitute, and appoint E. F. my true and lawful attorney, for me and in my name and on my behalf to name and present, in the usual and accustomed manner, any able person to the said rectory and parish church of ———, to the proper ordinary or guardian of the spiritualities of the same, or in their absence, to any other person or persons that hath or shall have sufficient authority in that behalf whensoever the same church shall first and next happen to become vacant by the death, resignation, deprivation, or cession of the said C. D., or otherwise howsoever, that he may by virtue of such presentation be admitted, instituted, and inducted into the said rectory and parish church of ———, and of all and singular the rights, members, and appurtenances thereunto belonging; and further, to do and perform all and every act and acts, thing and things whatsoever, concerning the premises, as fully and effectually in every respect as I myself might or should do if I were then and there personally present and did the same, hereby ratifying, allowing, and confirming all and whatsoever my said attorney shall lawfully do or cause to be done in or about the premises by virtue hereof. In witness whereof I have hereunto set my hand and seal, this ——— day of ———, in the year of our Lord one thousand eight hundred and ———.

Signed, sealed, and delivered,

in the presence of
 G. H., of &c.
 L. K., of &c.

A. B. (Seal.)

No. V.

RELEASE OF DILAPIDATIONS.

This indenture, made the — day of —, in the — year of the reign of our Sovereign Lord George the —, by the grace of God of the united kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord one thousand eight hundred and —, between A. B., clerk, D. D., present rector and incumbent of the rectory and parish church of —, in the county of —, and diocese of —, of the one part, and R. W., of —, in the county of —, the widow, relict, and executrix named in the last will and testament of H. W., late of — aforesaid, clerk, deceased, of the other part. Whereas the said rectory and parish church became vacant by the death of the said H. W., the last incumbent there, and the said A. B. was upon such vacancy duly presented to the said church, and admitted, instituted, and inducted into the same; when some of the houses, edifices, buildings, and fences, now standing and being on the glebe lands belonging to the said rectory, being in decay, ruinous, and very much out of repair, he the said A. B. applied himself to the said R. W. for recompense and satisfaction in respect thereof; and to avoid suit and trouble at law between them, she the said R. W. hath consented to pay the sum of —, in full satisfaction of all demands on her touching

the premises. Now this indenture witnesseth, that the said A. B. in consideration of the said sum of ———, to him in hand at and before the execution of these presents, well and truly paid by the said R. W., the receipt whereof he the said A. B. doth hereby acknowledge, hath remised, released, and for ever quit claimed, and by these presents doth remise, release, and for ever quit claim unto the said R. W. all and all manner of action and actions, cause and causes of action, suits, bonds, writings obligatory, judgments, executions, trespasses, damages, claims and demands whatsoever, both at law and in equity, which against the said H. W. in his life time, or against the said R. W. since his death (as his executrix or otherwise), he the said A. B. ever had, now hath, or which he, his heirs, successors, executors, or administrators, shall, may, or can have, for or by reason of any decays, ruins, or dilapidations in the houses, edifices, buildings, and fences on the glebe lands belonging to the said rectory, or any of them, or any thing thereto relating, or for or by reason of any act, matter, cause, or thing whatsoever, from the beginning of the world to the day of the date of these presents. In witness whereof the said A. B. hath hereunto set his hand and seal, the day and year above written.

Signed, sealed, and delivered,

in the presence of

C. D., of &c.

G. H., of &c.

A. B. (Seal.)

No. VI.

RESIGNATION TO THE KING, OF A DEANRY.

Know all men by these presents, that I, A. B., clerk, D. D., dean of the cathedral church of —, for divers good and reasonable causes and considerations me hereunto especially moving, without compulsion, fraud, or deceit, do hereby purely, simply, and absolutely resign and give up into the hands of our Sovereign Lord the King's most excellent Majesty that now is, his heirs and successors, the deanry founded in the said cathedral church, and the place or dignity of dean thereof, to me given and granted by virtue of his Majesty's letters patent, under the great seal of Great Britain, bearing date at Westminster, the — day of —, in the year of our Lord one thousand eight hundred and —, with all and singular the rights, profits, privileges, and appurtenances thereunto belonging, and the stall in the choir, and place and voice in the chapter of the said cathedral church belonging to the said deanry, and all my right, title, interest, claim, and demand whatsoever, of, in, and to the same, or of, in, or to any part or parcel thereof, by force or virtue of the said letters patent, or otherwise howsoever, together with the said letters patent, to be cancelled, to the intent that the said deanry of — may be given to some other person, as to his Ma-

jesty shall seem meet. In witness whereof I have hereunto set my hand and seal this — day of —, in the year of our Lord one thousand eight hundred and —.

Witnesses present,

C. D. of &c.

E. F. of &c

}

A. B. (*Seal.*)

The Notarial Act upon the above Resignation.

These are to certify to all persons whom it may concern, that A. B., clerk, D. D., dean of the cathedral church of —, did, on the — day of —, in the year of our Lord one thousand eight hundred and —, before me the undersigned notary public, at the dwelling-house of —, situate in —, in the county of —, resign and give up the deanry founded in the said cathedral church, and the place or dignity of dean thereof, as is particularly mentioned and expressed in his resignation, hereunto annexed, in the presence of the two credible witnesses whose names are thereto subscribed, as attesting the same.

G. H.,

Notary Public.

The form of resignation, and notarial act, should be varied according to the instrument whereby the clerk holds his benefice, dignity, office, or promotion.

No. VII.

RESIGNATION BEFORE A BISHOP.

In the name of God, Amen.—Before you the Right Reverend Father in God ———, by divine permission Lord Bishop of ———, and the credible witnesses here present, I, A. B., clerk, LL.D., vicar of the vicarage and parish church of ———, in the county of ———, within your lordship's diocese and jurisdiction, being willing and desirous for certain just and lawful causes me hereunto especially moving, without compulsion, fraud, or deceit, do hereby purely, simply, and absolutely give up and resign the said vicarage and parish church of ———, with all their rights, members, and appurtenances, into your lordship's sacred hands, with all my right, title, and possession of, in, and to the same vicarage and parish church of ———; I quit them, and expressly recede from them, by these presents, humbly praying that your lordship would be graciously pleased to accept of this my resignation, and pronounce, decree, and declare the said vicarage of ——— void and resigned, to all intents and purposes of law whatsoever, *and to decree that an intimation of such avoidance and resignation may be issued to the patron or patrons thereof**. In testimony

* The words in *italics* are always omitted when in the bishop's gift.

whereof I, the said A. B, have hereunto set my hand
and seal this — day of — in the year of our
Lord one thousand eight hundred and —.

Witnesses present;

C. D., of &c.

E. F., of &c.

}

A. B. (Seal.)

No. VIII.

RESIGNATION OF A CHAPLAINSHIP.

To all to whom these presents shall come.
A. B., clerk, M. A., vicar of —, in the county
of — sendeth greeting. Whereas, the right
honorable —, by an instrument of qualification
in writing, under his hand and seal at arms, bear-
ing date the — day of — in the year of our
Lord one thousand eight hundred and —, duly
registered in the Faculty-Office, Doctors' Commons,
did nominate, appoint, take, and admit me the said
A. B., one of his domestic chaplains, by reason
whereof to have, enjoy, and maintain all and sin-
gular the privileges, benefits, liberties, and advan-
tages whatsoever belonging to the same: and
whereas the lord archbishop of Canterbury hath
not granted any dispensation upon such qualifica-
tion to empower me to hold two benefices with

cure of souls : Know ye therefore that I, the said A. B., for divers good causes and considerations me thereunto especially moving, do by these presents absolutely resign, renounce, and disclaim all and singular the privileges, benefits, liberties, and advantages whatsoever, given and granted to me in and by the said recited qualification, or otherwise howsoever: to the intent that the said — may take and admit any other person, one of his domestic chaplains, in my place and stead ; and that this my resignation and disclaimer may have its full effect, I desire that it be registered in the Faculty Office, Doctors' Commons. In witness whereof, I have hereunto set my hand and seal this — day of —, in the year of our Lord one thousand eight hundred and —.

Witness,

C. D., of &c. }

A. B. (Seal.)

No. IX.

RESIGNATION OF A DONATIVE.

Know all men by these presents, that I, A. B., clerk, M. A., chaplain or curate of the chapel or curacy of —, in the county of —, a donative exempt from all ecclesiastical jurisdiction, and locally situated

within the diocese of —, being willing and desirous, for certain just and lawful causes me hereunto especially moving, without compulsion, fraud, or deceit, do hereby purely, simply, and absolutely give up and resign into the hands of —, patron of the said chapel or curacy, the office or place of chaplain or curate of the said chapel or curacy of —, together with all and every the salaries, stipends, profits, emoluments, rights, and appurtenances thereunto belonging, and all my right, title, interest, claim, and demand whatsoever in and to the said chapel or curacy, I quit them and expressly recede from them by these presents : to the intent that the said — may put any other clerk into possession of the office or place of chaplain or curate of the chapel or curacy of —, in my room and stead. In witness whereof I have hereunto set my hand and seal this — day of —, in the year of our Lord one thousand eight hundred and —.

Signed, sealed, and delivered, in the presence of
 E. F., of &c.
 G. H., of &c.

A. B. (*Seal.*)

No. X.

The certificates referred to in page 53, for a dispensation for a plurality, when the benefices are not in the same diocese.

Certificate of the distance between the livings of A. and B., the reputed yearly value of the living A., addressed to the bishop in whose diocese the living A. lies, by two beneficed clergymen of such diocese, in the following form :—

To the Right Reverend Father in God —, by divine permission Lord Bishop of —.

We, whose names are under written, being well acquainted with and accurately knowing the distance between the parish of B., in the county of —, and diocese of —, and the parish of A., in the county of — and your lordship's diocese, do hereby certify your lordship that the said distance does not exceed — *measured* miles. And further, we do hereby certify your lordship, that the reputed yearly value of the rectory of A. is pounds, or thereabouts.

Witness our hands this — day of —, in the year of our Lord one thousand eight hundred and —.

E. F., rector of —.

G. H., vicar of —.

Two certificates from the bishop in whose diocese the living A. lies ; the value of it in the King's

books ; the reputed yearly value, and distance from the living of B. ; one for the Archbishop of Canterbury, the other for the Lord Chancellor, in the following form :—

The one for the Archbishop of Canterbury is prefaced thus :—

To the most Reverend Father in God —, by divine Providence Lord Archbishop of Canterbury, Primate of all England, and Metropolitan.

The other for the Lord Chancellor, thus :—

To the Right Honourable the Lord High Chancellor of Great Britain.

These are to certify, that A. B., clerk, M. A., rector of A., in the county of —, and my diocese of —, valued in the King's books at £ —, the reputed yearly value being — pounds or thereabouts, *is presented* to the vicarage of B. in the county of — and diocese of — ; and that the distance between the said benefices does not exceed — *measured* miles, as I am credibly informed. Witness my hand, this — day c^r —, in the year of our Lord one thousand eight hundred and —.

Certificate of the distance between the livings of B. and A., the reputed yearly value of the living B. addressed to the bishop in whose diocese the

living B. lies, by two beneficed clergymen of such diocese, in the following form :—

To the Right Reverend Father in God ———,
by divine permission Lord Bishop of ———.

We, whose names are under written, being well acquainted with and accurately knowing the distance between the parish of A., in the county of ——— and diocese of ———, and the parish of B., in the county of ——— and your lordship's diocese, do hereby certify your lordship that the said distance does not exceed ——— *measured* miles. And further, we do hereby certify your lordship, that the reputed yearly value of the vicarage of B. is pounds, or thereabouts.

Witness our hands this ——— day of ———,
in the year of our Lord one thousand
eight hundred and ———.

I. K., rector of ———.

L. M., vicar of ———.

Two certificates from the bishop in whose diocese the living B. lies ; the value of it in the King's books ; the reputed yearly value, and distance from the living of A. ; one for the Archbishop of Canterbury, and the other for the Lord Chancellor, prefaced exactly in the way before shewn, and in the following form :—

These are to certify, that A. B., clerk, M. A., rector of A. in the county of ——— and diocese of

——, is *presented* to the vicarage of B. in the county of —— and my diocese of ——, valued in the King's books at £ ——, the reputed yearly value being —— pounds, or thereabouts; and that the distance between the said benefices does not exceed —— *measured* miles, as I am credibly informed. Witness my hand this —— day of ——, in the year of our Lord one thousand eight hundred and ——.

No. XI.

BOND ON SEQUESTRATION OF THE FRUITS AND PROFITS OF A CHURCH.

Know all men by these presents, that we, A. B., of ——, in the county of ——, and C. D., of ——, in the same county, ——, are held and firmly bound to the Right Reverend Father in God, ——, by Divine permission Lord Bishop of ——, in the penal sum of ——, of good and lawful money of Great Britain, to be paid to the said ——, Lord Bishop of ——, or his certain attorney, executors, successors, or assigns. For which payment to be well and truly made, we bind ourselves and each of us jointly and severally, our and each of our

heirs, executors, and administrators, firmly by these presents, sealed with our seals. Dated the — day of —, in the — year of the reign of our Sovereign Lord George the —, by the grace of God of the United Kingdom of Great Britain and Ireland, King, Defender of the Faith, and in the year of our Lord one thousand eight hundred and —.

Whereas the abovenamed right reverend father in God, —, lord bishop of —, hath in pursuance of his majesty's writ of *feri facias* issuing out of his said majesty's court at Westminster to him directed, sequestrated all and singular the tithes, fruits, profits, oblations, obventions, and all other ecclesiastical rights and emoluments whatsoever, of and belonging to the rectory and parish church of —, in the county of —, and diocese of —, and committed the same to the custody of the above bounden A. B., a creditor of the reverend E. F., clerk, M. A., rector of the said rectory and parish church of —. Now the condition of the above written obligation is such, that if the said A. B. do and shall well and truly gather, collect, and receive the said tithes, fruits, profits, oblations, obventions, and all other ecclesiastical rights and emoluments whatsoever, of and belonging to the said church of —, and shall procure the said church and the cure of souls within the same, to be well, duly, and canonically supplied with the performance of divine service by

some fit and able minister during such time as the said tithes, fruits, profits, oblations, obventions, and all other ecclesiastical rights and emoluments whatsoever, of and belonging to the said church, shall be sequestered; and moreover render a true, just, and faithful account of all the receipts and disbursements in that behalf, at any time when thereunto required; and also at his own proper costs and charges, well and sufficiently defend, save, and keep harmless the said —, lord bishop of —, and his successors, and all his officers and ministers, and every of them, and his and their and every of their lands and tenements, goods and chattels, of, from, and against all, and all manner of persons whatsoever, for, or by reason, or on account of the tithes, fruits, profits, oblations, obventions, and all other ecclesiastical rights and emoluments of and belonging to the said church, so to be by him gathered, collected, and received as aforesaid, or for touching or concerning any other matter, cause, or thing, in anywise relating thereto; then the above written obligation to be void, or else to remain in full force and virtue.

Signed, sealed, and delivered,
 by the said A. B. and C. D.,
 in the presence of
 G. H., of &c.
 I. K., of &c.

A. B. (*Seal.*)
 C. D. (*Seal.*)

No. XII.

LETTER OF ATTORNEY TO RECEIVE THE FRUITS AND
PROFITS OF A CHURCH.

Know all men by these presents, that I, A. B., clerk, M. A., rector of the rectory and parish church of —, in the county of —, and diocese of —, for divers good causes and considerations me hereunto moving, have made, ordained, authorised, constituted, and appointed, and by these presents do make, ordain, authorise, constitute, and appoint C. D., of —, in the county of —, and E. F., of —, in the said county, —, my true and lawful attornies, jointly and severally, for me and in my name, and for my own proper use and benefit, to ask, demand, levy, gather, collect, recover, and receive, all and singular the tithes, fruits, profits, oblations, obventions, casualties, commodities, and all other emoluments whatsoever, of and belonging to the said rectory and parish church of —, as now are due, coming, renewing, or growing, or which shall or may at any time hereafter come, renew, or grow due and payable unto me, the said A. B., by reason and means of the said rectory and parish church, or in the right, of the same, and also all and singular the church books, and other books of the said rectory and parish church, for me and in my name, to view,

pursue, and see, as often as need or occasion shall be or require; and moreover, to pay, disburse, and allow, out of the receipts so to be had and received by them or either of them, by reason of these presents, all and singular such sum and sums of money which I the said A. B. am chargeable or liable to disburse or pay, for or by reason of the said rectory and parish church of —, and also to render a true, just, and faithful account of all the receipts and disbursements in that behalf, at any time, as my said attornies or either of them shall be thereunto lawfully required, giving and by these presents granting to my said attornies and to either of them jointly and severally, full power and authority for me and in my name, to use and take such lawful ways and remedies for the collecting, recovering, receiving, obtaining, or getting in all or any of the tithes, fruits, profits, oblations, obventions, casualties, commodities, and all other emoluments whatsoever, of and belonging to the said rectory and parish church of —, and every or any of them, or any part or parcel of the same, that are due and payable unto me, as fully and effectually to all intents and purposes as I might or could do, use, or take, if I was present in person; and also upon payment, receipt, or recovery of all and every the said tithes, fruits, profits, oblations, obventions, casualties, commodities, and all other emoluments whatsoever, of and belonging to the said rectory and parish church, for me and in my name, to give proper acquittances and discharges for the same re-

spectively; and for the better doing, performing, and executing of all or any of the matters and things aforesaid, I do hereby further give and grant unto my said attornies, and to either of them jointly and severally, full power and authority to constitute and appoint one attorney or more under them, to make, and at their pleasure to revoke again, and other or others in their or his place or places to substitute, and further to do all other things needful for the recovery and defending thereof, as I myself might or could do; hereby ratifying and confirming all and whatsoever my said attornies, or either of them, shall lawfully do or cause to be done in my name, in or about the premises, by virtue of these presents. In witness whereof I have hereunto set my hand and seal, this — day of —, in the year of our Lord one thousand eight hundred and —.

Signed, sealed, and delivered,
by the said A. B., in the
presence of
G. H., of &c.
I. K., of &c.

A. B. (*Seal.*)

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TO THE

CLERGY RESIDENCE ACT.

ANNO 57 GEO. III. CAP. 99.



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- Copies of licences to be transmitted to churchwardens, and publicly read at the first visitation, 92.
- The king in council may revoke licences, &c., 93.

NON-RESIDENCE (*continued*).

Licences revoked deemed valid between the grant and revocation, 94.

Returns to be made annually to the king in council of every benefice, with the names of residents and non-residents, &c., *ib.*

Notifications to be made by non-residents by exemption without licence, yearly to the bishop of the diocese, within a certain period, 95.

Persons neglecting to notify cause of exemption, to forfeit 20*l.*, recoverable by sequestration, 96.

Act not to exempt from censure for non-residence without licence, but no censure for non-residence to be in force, nor any proceedings be admitted, except at the suit of the bishop, *ib.*

Where persons unlicensed do not sufficiently reside, the bishop may issue a monition, 97.

Returns made to monitions to be upon oath, 98.

Where no such return be made, or shall not be satisfactory, bishop may order residence, and if disobeyed, may sequester the profits of the benefice, and direct an application of the profit, 99.

Appeal against sequestration may be made to the archbishop, 100.

Appellant to give security for payment of the expences, 101.

Persons who return to residence on monition, must pay the costs, *ib.*

Any person returning to residence on monition, who shall before six months thereafter absent himself, the bishop may without monition sequester the profits of the benefice, 102.

Bishops empowered to punish past non-residence, 103.

Penalties for the recovery, of which monition has been issued, may be remitted by the archbishop or bishop, and special returns made of the reasons for such remission, by the archbishop to the king in council, and by the bishop to the archbishop, 104.

Where any spiritual person continues under sequestration two years, or incurs three sequestrations within that period, the benefice shall become void, 105.

NON-RESIDENCE (*continued*).

Contracts for letting houses of residence in which any incumbent shall by order of the bishop be required to reside; shall be void, 105.

Tenants holding possession after the day appointed for return to residence, shall be subject to penalty, 106.

Not liable to penalties for non-residence while the tenant continues to occupy, 107.

No oath to be exacted of any vicar relating to residence, *ib.*

Penalties for more than one year not recoverable, *ib.*

Penalties not levied under monition may be recovered by action, 108.

Actions for penalties not to be commenced before 1st May after the expiration of the year, *ib.*

Commencement and conclusion of the year, *ib.*

A calendar month's notice for the purposes of this act, *ib.*

No action to be commenced for any penalty until after one calendar month's notice given to the defendant and bishop of the diocese, *ib.*

Plaintiff not to recover without proof made that such notices were given, 109.

No evidence to be given except such as is contained in the notices, 110.

Defendant may, by leave, pay into court such sum as he shall think fit, before issue joined, *ib.*

The court in which any action shall be depending, may require the diocesan bishop to certify the reputed annual value of benefices, &c., *ib.*

Licence may be pleaded in bar of action, and in case of nonsuit, &c. the defendant shall have double costs, 111.

Action not to be brought after the issuing of any monition, 112.

Penalty not to be levied against the person, where it can be recovered by sequestration within three years, 113.

Act not to invalidate licences before 31st December, nor to require any licence before that time, 137.

Act not to affect his majesty's prerogative in granting dispensations for non-residence, 138.

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